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DRUG TRAFFICKING IN THE WASHINGTON METROPOLITAN AREA

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON
FISCAL AFFAIRS AND HEALTH

OF THE

COMMITTEE ON
THE DISTRICT OF COLUMBIA
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

ON

THE SCOPE AND PATTERN OF INTERSTATE DRUG TRAFFICKING IN THE METROPOLITAN AREA OF THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA

APRIL 17, 1985

Serial No. 99-2

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BACKGROUND AND ACKNOWLEDGMENT

(December 5, 1985)

On April 17, 1985, the Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia, held investigative and oversight hearings on drug trafficking in the Washington metropolitan area. Witnesses included the United States attorney for the District of Columbia, Joseph diGenova; District of Columbia chief of police, Maurice Turner; Fairfax County acting chief, Lt. Col. John E. Granfield; Montgomery County chief, Major Virgil Hottinger; and Prince George's County commander, special operations, Major James Ross and representatives from the U.S. Park Police Narcotics Division. In addition to committee members, Michael Barnes of Maryland and Stan Parris of Virginia, we were joined by the chairman and ranking Republican member of the House Select Committee on Narcotics Abuse and Control, Hon. Charles Rangel (D) of New York and Hon. Benjamin Gilman (R) of New York.

The findings were as follows:

1. The distribution of narcotics is a Washington metro areawide problem, yielding an estimated annual nontaxable income of $1.5 billion. This estimate is based on national and local law enforcement statistics and statistics kept by drug treatment centers.
2. Our suburban communities have become the centers for the manufacturing of PCP, the slicing and cutting of heroin and cocaine, and the packaging of marijuana, with the city streets of our Nation's Capital being used as pick up and delivery points.
3. The use of narcotics both at the addictive and recreational level is areawide and crosses all ethnic, social and economic boundaries. It is less visible in the suburbs only because of the lack of street corners and gathering locations and not because of a lesser degree of addiction and use.
4. At present, and for reasons still under investigation, there exists a serious disparity between the sentences handed down by the Federal courts in the District of Columbia and Federal courts in the surrounding jurisdictions. It was the considered opinion of the representatives from all of those law enforcement agencies testifying at our hearing, that this disparity is widely known among drug dealers and may well be a major contributing factor to the use of the streets of the District of Columbia as drug distributing locations.
5. There exists a real and present need for a centralized drug chemical laboratory for analysis of drugs confiscated in arrests. The analysis would be used in the prosecution of drug dealers.
6. At present, manpower and funding shortages at both the local and Federal level limit the investigative work needed to insure the apprehension of midlevel drug dealers.
7. The presence of pharmaceutical drugs on the streets has been traced to physicians and pharmacists in the Washington metropolitan

area. (It is appalling to consider this fact in face of the vastness of the drug trafficking problem in our region.)

8. There is a need for the establishment of a uniform sentencing code throughout the Washington metro area for drug related offenses.

9. There needs to be an intense, long-range drug prevention and education program for all ages and segments of the Washington metropolitan area, especially among our school age children.

10. It was revealed during the investigation in preparation for the hearing that a major source of raw cocaine and heroin may be international sources located in our Nation's Capital. In light of this, I call on the Secretary of State to use the power of his office, in whatever manner he deems appropriate, to confront this point of entry of illicit drugs into our area.

On June 6, 1985, Congressman Stan Parris and I held a joint news conference at which we revealed the aforementioned findings. Following the news conference I introduced concurrent resolution, H. Con. Res. 161, which enumerated these findings and called for the establishment of the Washington Metropolitan Area Drug Authority (W.M.A.D.A.).

Legislative hearings on W.M.A.D.A. are scheduled for spring 1986.

The subcommittee wishes to acknowledge the fine work done by staff assistants, Julius Hobson and Ronald C. Willis, in preparation for its hearing.

WALTER E. FAUNTROY,
Chairman, Subcommittee on Fiscal Affairs and Health.

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OVERSIGHT HEARING ON THE SCOPE AND PATTERN OF INTERSTATE DRUG TRAFFICKING IN THE WASHINGTON METROPOLITAN AREA OF VIRGINIA, MARYLAND, AND THE DISTRICT OF COLUMBIA

WEDNESDAY, APRIL 17, 1985

House of Representatives,
Subcommittee on Fiscal Affairs and Health,
Committee on the District of Columbia,
Washington, DC.

The subcommittee met, pursuant to call, at 9:10 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Representatives Fauntroy, Barnes, Dymally, and Parris.

Also present: Representatives Rangel and Gilman.

Staff present: Ronald C. Willis and Julius Hobson, Jr., staff assistants; Donn G. Davis, senior legislative associate; John Gnorski, minority staff director; Roberta Messalle, Syd Courson, and Eric Becker, minority staff assistants.

Mr. Fauntroy. The subcommittee will come to order.

Today we begin a series of oversight hearings on the illicit distribution, use, and abuse of drugs in the Washington metropolitan area.

The focus of today's hearings will be the scope and pattern of interstate drug trafficking in the metropolitan area of Virginia, Maryland, and the District of Columbia.

Contrary to popular belief, the world of drug use, abuse, and trafficking in the Washington metropolitan area knows no ethnic, religious, economic, or jurisdictional lines. Customers come to the District of Columbia from Prince Georges County, Montgomery, Fairfax, and Arlington Counties to buy heroin, PCP, cocaine, and marijuana, and street sold pharmaceutical drugs as well.

But according to undercover agents in both local and Federal departments, the surrounding counties are the centers for major PCP chemical plants, heroin and cocaine cutting centers, and marijuana packaging houses, with the District streets serving as points of distribution.

While most press and media accounts of drug use and distribution would have us believe the problem is limited to poor ghetto blacks, the facts are that an equal amount of use and distribution of drugs occurs in white middle class suburbia where young people have available to them money and mobility.

As one senior official put it, and I quote him:

> There are no street corners in the suburbs, so you don't see people standing around, shooting up or sharing a joint, laced with PCP, but it would be foolish to conclude that this in any way suggests there is not a major drug problem in the suburbs.

This senior official goes on to say:

> All you have to do is check the Virginia and Maryland license plates of customers who make buys on their way home through downtown D.C. and the quantity indicates it is as serious out there as it is in here.

I think it should be noted that in preparation for this hearing, committee staffers spent 700 to 800 hours researching, interviewing, and investigating the range and scope of the problem. And so today we begin these hearings with an examination of the present status of law enforcement in the Washington metropolitan area. We will hear from the chiefs of police from Fairfax, Montgomery, and Prince Georges Counties, from D.C. Chief of Police Maurice Turner, from street law enforcement agents, from the Drug Enforcement Administration, FBI, and the Department of Treasury agents, and from the U.S. attorney, Joseph diGenova.

Joining us today are members of the Washington Metropolitan Caucus and the chairman and ranking Republican of the House Select Committee on Narcotics Abuse and Control.

We welcome each of you to this hearing and extend our deepest appreciation to you for taking the time away from your important areas of responsibility. At the appropriate time we will yield to each of you for an opening statement and invite you to participate in the questioning of our distinguished witnesses.

I want now to yield to the distinguished gentleman from Virginia, Mr. Parris, for his opening remarks.

[The prepared statement of Mr. Fauntroy follows:]

PREPARED STATEMENT OF WALTER E. FAUNTROY

Today we begin a series of oversight hearings on the illicit distribution, use and abuse of drugs in the Washington Metropolitan area.

The focus of today's hearings will be the scope and pattern of interstate drug trafficking in the metropolitan area of Virginia, Maryland, and the District of Columbia.

Contrary to popular belief, the world of drug use, abuse and trafficking in the Washington Metropolitan area knows no ethnic, religious, economic, or jurisdictional lines. Customers come to D.C. from Prince Georges, Montgomery, Fairfax, and Arlington Counties to buy heroin, P.C.P., cocaine and marijuana, and street sold pharmaceutical drugs. But, according to undercover agents in both local and federal departments, the surrounding counties are the centers for major P.C.P. chemical plants, heroin and cocaine cutting centers and marijuana packaging houses, with the District streets serving as the points of distribution. While most press and media accounts of drug use and distribution would have us believe the problem is limited to poor ghetto blacks, the facts are that an equal amount of use and distribution of drugs occurs in white middle class suburbia where young people have available to them money and mobility. As one senior official put it, "there are no street corners in the suburbs, so you don't see people standing around, shooting up or sharing a joint, laced with P.C.P., but it would be foolish to conclude that this in anyway suggests there is not a major drug problem in the suburbs." This senior official goes on to say, "all you have to do is check the Virginia and Maryland license plates of customers who make buys on their way home through downtown D.C. and the quantity indicates it's as serious out there as it is in here."

I think it should be noted that in preparation for this hearing, committee staff have spent 700–800 hours researching, interviewing and investigating the range and scope of the problem. And so today we begin these hearings with an examination of forcement agencies are adequately staffed. I think that's probably one of the problems.

I am also interested in coordination of enforcement activities between the various jurisdictions. As has been pointed out by the chairman, we do have a unique situation in the Washington area—the fact that drug dealers can travel to and from Virginia, Maryland, in and out of the District of Columbia in a matter of a few minutes makes the drug transaction locations very difficult to identify.

In addition, within all the jurisdictions are Federal parks that are also experiencing an increase in drug activity. Several years ago, I was fortunate enough to persuade the Secretary of Interior to create a special undercover narcotics task force of the U.S. Park Police office to combat the drug problem in the park areas, most of which are located in my congressional district up and down the Mount Vernon Parkway. This unit has been extremely successful. It has been a potent force in fighting narcotics trafficking. Just a few weeks ago, officers from this unit, you may recall, broke up a major distribution center for street level cocaine here in Washington; they made arrests and seized a half pound or so of cocaine along with other drugs, weapons, and so forth. The statistics of this unit are very impressive.

I am looking forward to the presentation of Park Police Officer Irwin who is here representing their forces, and getting a better understanding of the scope and pattern of drug trafficking and how to better utilize our forces and do a more effective job in addressing the problem.

Thank you, Mr. Chairman, for this opportunity.

Mr. FAUNTROY. Thank you, Mr. Parris.

I yield now to the distinguished gentleman from Maryland, Mr. Barnes, who, in addition to having a relevant subcommittee on the Committee on Foreign Affairs with respect to Latin America, is the chairman of the Subcommittee on the Judiciary of the House District Committee, and has a particular interest in this subject as it relates to Montgomery County.

Mr. BARNES. Thank you very much, Mr. Chairman, for giving me this opportunity to participate this morning. You mentioned one of my other responsibilities on the Foreign Affairs Committee and, regrettably, I am about to chair a hearing over there shortly, so I am going to have to leave, but I do appreciate the chance to come by and commend you for holding this hearing.

I think the drug problem in the United States has just reached epidemic proportions. I think we have to keep the spotlight on the problem in order to maintain public support for adequate funding to the enforcement agencies at all levels of government, some of whom are going to be testifying at your hearing this morning.

I think, Mr. Chairman, that this hearing provides the kind of focus that is needed here in the Washington area. And as I say, I commend you for holding it and for your concern and your leadership on this critical issue.

As we all know, narcotics trafficking and abuse has become a problem with international as well as national repercussions. At home, drugs are increasing crime on the streets and poisoning our most valued national asset—our children. Abroad, the drug industry is undermining democratic governments; it is causing countless difficulties in our relationships with friendly neighbor nations.

I strongly believe that the drug problem has to be fought on both fronts. We have to stem the tide of drugs into the United States as well as encourage efforts here at home, here locally, to reduce the use of drugs.

As you have indicated, I am chairman of the Subcommittee on Western Hemisphere Affairs on the Foreign Affairs Committee. I am going to continue there to pursue coordinated efforts to obtain control over the problem from an international perspective. And in my capacity as a member of this committee, I want to continue to work closely with you, Mr. Chairman, and with our colleagues from the region, to do all that we can to ensure that the local problems associated with drug trafficking and abuse are addressed in the most efficient and effective manner.

Recent news stories, which my colleagues may have seen, about Rev. Jesse Jackson's activities to focus attention on the drug problem among the youth, had quite an impact on me and a lot of my constitutents in Montgomery County. Reverend Jackson's visit to local schools—Spingarn High School in the District of Columbia and Montgomery Village Junior High School in my congressional district out in Montgomery County—during which he asked students with drug problems to step forward, to come forward for help, demonstrated, I felt, really sort of poignantly, that drugs infiltrate not only the inner city, but our suburbs, our rural areas as well. This is not a problem, as you have indicated, Mr. Fauntroy, it is not a problem that is confined to Washington, DC—it affects all of us.

The police in my area, in Montgomery County, have told me that a very substantial portion of the crime in our community and the suburban community is directly drug related.

I am confident that a two-pronged approach to combating the drug problem here at the local level is needed. First of all, we have to ensure more funding for drug enforcement efforts of our local police departments. Second, we have to bring together local elected officials, our civic groups, our school officials, the business community, throughout the region, to encourage a regionally coordinated approach to solving this problem.

I was pleased to learn that local police authorities are currently making every effort to work together and to work with Federal agencies. But clearly, more assistance is needed. Drugs have infiltrated American society and are slowly going to destroy us from within if we don't step up our efforts to combat the problem.

There is a lost of rhetoric calling this a war on drugs. It is not new rhetoric. But to date, frankly, our Nation has been unwilling to commit sufficient resources to really even engage in a battle, much less a war.

My friend from the Foreign Affairs Committee, Mr. Gilman, is here. We were talking about this in the committee the other day—the entire budget of the United States for international drug efforts is, what, $57 million. We will spend—what—three times that much this year in military assistance to El Salvador. If this is a war—and I think it is—it's crazy, that we aren't committing more resources to the war. It is like we have already surrendered.

We have to get into this war and fight internationally as well as domestically, and as well as right here in our own communities.

So, Mr. Chairman, again, I salute you for your interest, your leadership. And I regret the schedule of the other committee is going to require me to leave shortly to go over there to chair a hearing. But I am just very pleased to have had the opportunity to be here this morning to commend you and the witnesses for what I know is going to be a very important hearing.

Mr. FAUNTROY. I want to thank you as well, Congressman Barnes, for your kind attention to this issue over the years and particularly in your capacity as chairman of the Subcommittee on Western Hemisphere Affairs.

We look forward to your reviewing of the results of the hearing, and I am sure as we work together in the future we are going to address the issues that you have raised here in your opening statement.

May I now yield to the distinguished ranking member of the House Select Committee on Narcotics Abuse and Control, Sid Gilman, who has been kind enough to join us. Sid, we are so happy to have you join us in this hearing.

Mr. GILMAN. Thank you, Mr. Chairman.

I want you to know I welcome the opportunity to join with you and the distinguished members of the Subcommittee on Fiscal Affairs in taking a close, hard look at the narcotics trafficking and drug abuse problems in our Nation's Capital. And as ranking minority member of our Select Committee on Narcotics, I want to thank you to permit both the chairman, Mr. Rangel, and myself, to participate in your hearing today.

I note that both you and Mr. Parris are members of our Select Committee on Narcotics and it is a pleasure working along with you in another area once again, along with the good work of both of you on our Select Committee on Narcotics.

Mr. Barnes, of course, has been leading the charge in our Foreign Affairs Committee on Latin American affairs, Western Hemisphere Affairs, and he mentioned both part of our international battle on narcotics in regard to the limited amount of funding that has been made available with regard to the battle internationally.

As chairman of the D.C. Subcommittee on Fiscal Affairs and Health, you and the members of this distinguished subcommittee have a unique opportunity to look into the enormous problems of drug trafficking and drug abuse in the Washington metropolitan area, in Virginia, Maryland, and the District.

I am pleased that you have scheduled this hearing on this important phase of the problems confronting this region. As we all recognize, drug trafficking and drug abuse is not unique to our Nation's Capital, but has spread, unfortunately, throughout our Nation into every city, town, and school district. Indeed, drug trafficking and drug abuse has become a local problem, a problem that demands the attention not only locally and nationally, but throughout our international community.

Today we look forward to examining closely the drug situation that exists here in the Washington metropolitan area, the drug law enforcement mechanisms that are in place, those at the Federal, State, and local levels. And most important, what may be needed to help us increase efforts to stop the flood of drugs into this region. We need look no further than the staggering situation of overdose deaths in the District to realize that forceful and effective action is needed. Overdose deaths from heroin increased to 138 in 1984, double the amount for 1983. The prime cause for this is an abundance of cheaper and more potent heroin out there on the streets.

Just last month, a batch of highly potent heroin was responsible for 21 known overdoses, 9 of them, Mr. Chairman, fatal, in a brief 38-hour period.

At the same time, cocaine overdose almost doubled from 45 in 1983 to 88 in 1984. Overdose deaths from PCP increased to 69 from 64 over that same period of time.

The impact of drug availability is especially pronounced in the schools in the Capital District area, and I would hope that we would have the opportunity today to look into that situation in light of the recent report of the D.C. Substance and Use Indication and Prevention Task Force, urging the school board of the District of Columbia to utilize student care counseling and to increase the use of police undercover operations in our schools.

Along with our distinguished chairman, Mr. Rangel, the chairman of our select committee, we certainly welcome this opportunity to join with you, Chairman Fauntroy, in hearing the competence of the distinguished group of witnesses that have been brought together in force today.

I want to assure you that our select committee stands ready to provide whatever assistance we can in bringing the problem of drug trafficking and drug abuse under control here in the Nation's Capital region.

Thank you, Mr. Chairman.

Mr. FAUNTROY. We thank you so very much, Mr. Gilman.

The distinguished chairman of the Select Committee on Narcotics Abuse and Control, Charles B. Rangel, is at this time testifying before the Subcommittee of the Foreign Affairs Committee on the South Africa legislation and will be in shortly.

I am pleased to note the presence, however, of the distinguished director of our Select Committee on Narcotics Abuse and Control, Jack Cusack, who is perhaps one of the most eminent authorities on drug trafficking in the United States and in the world, and we are privileged to have his valuable services available to us as members of the Select Committee on Narcotics Abuse and Control—thank you for joining us.

We will now proceed with our first panel, a panel of chiefs of police from the surrounding suburbs of Washington, DC. From Fairfax County, we have Acting Chief Lt. Col. John E. Granfield, who I would like to ask to take a place at the witness table; together with, from the Montgomery County Police Department, Maj. Virgil Hottinger, and from Prince Georges County, Maj. James Ross.

Gentlemen, we certainly appreciate the time you have taken to prepare for your testimony here before the subcommittee. We have your statements and you may proceed in whatever manner you choose, beginning with Lt. Col. John E. Granfield.

STATEMENTS OF LT. COL. JOHN E. GRANFIELD, ACTING CHIEF OF POLICE, FAIRFAX COUNTY, VA, POLICE DEPARTMENT, ACCOMPANIED BY MIKE YOUNG, COMMANDER, CRIMINAL INVESTIGATION BUREAU, FAIRFAX COUNTY; MAJ. VIRGIL HOTTINGER, CHIEF, INVESTIGATIVE SERVICES BUREAU, MONTGOMERY COUNTY POLICE DEPARTMENT, MD; MAJ. JAMES ROSS, COMMANDER, SPECIAL OPERATIONS AND INVESTIGATIONS, PRINCE GEORGES COUNTY POLICE DEPARTMENT, MD, ACCOMPANIED BY LT. ALLEN McDONALD, COMMANDER, VICE SECTION; AND GREG KENASTON, STAFF ASSISTANT, OFFICE OF CONGRESSIONAL AFFAIRS, DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF CHIEF JOHN E. GRANFIELD

Chief GRANFIELD. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, as the chairman has said, I am Lt. Col. John E. Granfield. I am currently the acting chief of the Fairfax County, VA, Police Department. And I have with me on my right, Mike Young, who is the criminal investigation bureau commander, and my expert for the vice and narcotics section, comes under his control.

I am pleased to appear before you today, and just listening to your comments, I am very glad to hear that you share the same concerns that we share about the problem of narcotics and drug violations in the metropolitan area. And it is, as you have stated in your opening remarks, definitely a metropolitan problem. It is not unique to one jurisdiction. It is not unique to Virginia, District of Columbia, or Maryland. We all share in the same problems. The beltway makes us all neighbors, and the crooks recognize this. So it is something that we need to address in this type of forum.

As stated, you do have the list of comments from myself, so I will not go over all of those. I thought I might just summarize those.

In northern Virginia, our main drug problem right now is the marijuana. About 67 percent of the arrests Fairfax County made for drug violations deal with marijuana. Another 17 percent—and this percentage is growing—is cocaine; with 16 percent of our arrests in the area of PCP. Heroin has not been the problem in Fairfax County as it has been in the District. I think it was brought up before here about the number of heroin deaths because of that extremely pure batch—most of your deaths occurred in the District of Columbia. This time we did not have any. The time before when there was a problem with the purity of heroin, we had two. But it is not the problem in Fairfax County that it is in the District of Columbia.

Fortunately, we, in the metropolitan area, by use of the vehicle in COG, have a number of agreements that right now help us address as a combined group, the problem with drugs and narcotics in the area.

There are a number of task forces that each of us belong to, most of them under the umbrella of COG, where we can share information, share our various narcotics officers, among the jurisdictions. This has helped greatly.

Also, we work very closely with the Drug Enforcement Administration. We have a member on one of their task forces. We also have a member on the PCP task force in the Washington metropolitan area.

These kinds of things have gone a long way to help us stretch our resources. These kind of things are what we look for to help us in the future.

I might point out that the recent case that many of you may have heard about in the newspaper, the arrest of Chris and Robert Rickmeyer, in the large drug dealership on the east coast for marijuana. That case is a good example of cooperative operation between the local jurisdictions and the Federal agencies.

In 1980 and 1981, Fairfax County first identified Chris and Robert Rickmeyer as dealers in marijuana. The case was of such great extent that it was beyond our resources to pursue, and Fairfax County turned that case over to the Drug Enforcement Administration. And I am sure you all know what the result was in that—the arrest of two of the kingpins on the whole east coast of marijuana supply.

It is that type of thing that we look for to help us. When we, with our limitations in the local jurisdiction, are unable to address a problem, then we can turn to the Federal Government and those agencies.

I would ask for one thing, and I mentioned this in my comments, that possibly there could be an increase in the Drug Enforcement Administration personnel to possibly have the field office in northern Virginia. I equate this to having the field office of the FBI in Alexandria. Since we have that, we are able to deal very closely and work with the same individuals. They get to know us, we get to know them. It has been a big help as far as cooperation with the FBI goes. I would like to see the same thing on that level with the DEA.

And, of course, DEA is in Washington and, of course, we are not that far mileswise, but they have a lot of other things that they are looking at—all the other jurisdictions in that. I think we need to have agents assigned directly to the jurisdiction so each party can get to know the other well.

[The prepared statement of Chief Granfield follows:]

PREPARED STATEMENT OF LIEUTENANT COLONEL GRANFIELD, ACTING CHIEF OF POLICE, FAIRFAX COUNTY, VA

Mr. Chairman and members of the subcommittee, I am Lieutenant Colonel John E. Granfield, Acting Chief of Police, Fairfax County, Virginia, Police Department. I am pleased and honored to appear before you and to submit testimony related to your inquiry on interstate drug trafficking in the Washington metropolitan area.

Your staff has requested responses on specific points which are relevant to the operational effectiveness of the Fairfax County Police Department.

1. What enforcement mechanisms are available to you in dealing with interstate drug trafficking?

The primary mechanism is participation in regional task force enforcement groups which include Federal, State and local agencies.

At this time, the Fairfax County Police Department is a member of: the Drug Enforcement Administration PCP Task Force, Northern Virginia Regional Narcotic Enforcement Task Force and a Presidential task force comprised of federal agencies and this department for the targeting of a major interstate drug offender.

In addition to ongoing task forces, regional agencies utilize the provisions of the narcotics amendment to the council of governments mutual aid agreement.

2. In your opinion, what is the extent of interstate drug trafficking in the Washington metropolitan area?

The northern Virginia region enjoys a standard of living which creates a high level of disposable income which may be directed toward the purchase of controlled substance. The economic and social profile of northern Virginia will continue to attract persons who seek a strong potential base of consumption and distribution for drugs.

3. Are current federal laws on interstate trafficking of illegal drugs adequate?

In my opinion, the application of statutes against racketeering for drug distributors, with associated efforts to cause forfeiture of illegal narcotics proceeds, has created an invaluable prosecutorial advantage. For too long the law enforcement community has been prevented from penalizing the top echelon of distributors. The imaginative utilization of existing laws will achieve long standing results as long as sufficient resources are allocated to the affected enforcement agencies.

4. Are there or should there be federal laws relating to the uniqueness of drug enforcement efforts in the Washington metropolitan area?

I am confident that existing federal laws are sufficient to support the unique characteristics of the Washington metropolitan area. A strong foundation of cooperation among the regional enforcement groups will assure the maximum impact from federal prosecution.

5. Provide data that you may have on the type of drugs prevalent in each of the Washington metropolitan area jurisdictions in recent months, the amount of dollars, the estimated quantity available of each drug, where the drugs are principally sold, and where the buyers (ABUSERS) come from who buy?

The county of Fairfax has experienced a sustained exposure to the prevalence of cocaine and marijuana. The availability of these substances throughout the region is pandemic.

The potency of the marijuana found in this area continues to increase as the hybrid strains are selectively refined. In most instances, marijuana will cost between $400–$800 per pound. Cocaine is also widely available in quantities of high quality. The current market price will range from $28,000-$30,000 per pound.

PCP continues as the single substance with the greatest potential for harm in Fairfax County. As a result of the activities of the PCP task force which first formed in 1976, the manufacture of PCP in northern Virginia has been greatly reduced. The primary source for PCP is Washington, D.C. and the southern counties of Maryland. The present price for PCP is approximately $2,500 per pound. The average "street transaction" involves only gram quantities.

The dangerous substance with the lowest priority in Fairfax County is heroin. The existence of heroin abuse remains extremely limited. During the past four years, Washington, D.C. has been the identified source for heroin introduced into this jurisdiction.

6. What other enforcement agencies do you cooperate with in the metropolitan area?

Local Virginia agencies (Arlington, Loudoun, and Prince William Counties, cities of Alexandria and Fairfax).

Local Maryland agencies (Prince George's and Montgomery Counties).

Virginia state police.

Maryland state police.

Metropolitan police department.

Federal agencies (U.S. Army, CID, ATF, U.S. Customs, D.E.A., FBI, IRS, and U.S. Postal Inspectors).

7. What do you recommend as further assistance to your agency in the "war on drugs" in the Washington metropolitan area?

Obviously, funding for enforcement resources at all levels must continue to expand in proportion to the escalating scope of the problems generated by illegal drugs.

In addition to other considerations, I am convinced that an officer which combines staff from the Drug Enforcement Administration and the Federal Bureau of Investigation should be established in northern Virginia. The use of combined task forces for specific drug targets has been extremely advantageous. I am certain that a permanent resident staff in this region will generate a permanent response to the ever changing patterns of drug enforcement. The enhancement of cooperation which will be fostered by federal agents permanently assigned to northern Virginia will provide a new dimension for future action against drug trafficking.

Thank you, again, for this opportunity. I would be happy now to answer any questions you may have.

Mr. FAUNTROY. Thank you so very much, Colonel. We will complete the panel and then have some questions for you.

Chief **Granfield**. Thank you.

Mr. **Fauntroy**. May we now hear from Maj. Virgil Hottinger, Montgomery County?

STATEMENT OF MAJ. VIRGIL HOTTINGER

Major **Hottinger**. Yes, sir. I am also gratified that you and the members from the other committees have called this hearing, and my statement also is in the record and I won't burden the committee with that. I would just like to echo some of the things that have already been brought up.

Heroin is not a big problem in Montgomery County, but cocaine, PCP, marijuana, are all epidemic in Montgomery County.

As impressive as many of the statistics are that we throw out and the numbers and volume of drugs that are recovered, and the amounts of money that is recovered, I think it's important that all of us keep in mind that these figures are limited, not by the volume of drugs that are available, but by the limited resources available to work on the problem.

I was especially gratified that Congressman Barnes was here, and that Mr. Gilman is here, because I think that in spite of all that we could do, locally or regionally, we have had very little impact on the drug problem here or any place else in the United States unless we can do something internationally. I don't think law enforcement alone could do that, no matter how many agents we put around our borders. It is something that is going to have to be handled diplomatically and through our Foreign Affairs Committee as well as through the law enforcement.

And I think the major thing is that the Congress and the Federal Government could maintain the pressure and the encouragement, because I know that there are, as you brought up earlier, many reasons why some of these countries manufacture or grow drugs.

So I would ask that in addition to anything that's done through law enforcement, that major thrust be made diplomatically.

Thank you.

[The prepared statement of Major Hottinger follows:]

PREPARED STATEMENT OF MAJ. VIRGIL HOTTINGER, CHIEF, INVESTIGATIVE SERVICES BUREAU, MONTGOMERY COUNTY POLICE DEPARTMENT

Drug trafficking is a growing and continuous problem in Montgomery County and it is a top priority enforcement objective in our department.

In 1984 our Narcotic Section seized over one million dollars worth of drugs, purchased an additional $45,000 worth of drugs, and seized over $100,000 in cash assets from drug violators. Those figures were limited not by the volume of drug trafficking, but by the resources available to respond to the problem. Cocaine, marijuana, PCP, and LSD, are readily available in all geographic areas of Montgomery County.

In almost any social setting from high school dances to country clubs, bars, parties, or any place where people congregate, drugs are usually available. Cocaine is the number one drug of choice. The Drug Enforcement Administration has described the cocaine problem in Montgomery County as epidemic. Only four weeks ago, 11 pounds of cocaine brought in from out of state was found along a jogging path in one of our parks. This was the largest seizure of cocaine in the county's history. Phencyclidine (PCP) over the last two years has become our number one enforcement priority. This extremely dangerous drug, which poses serious physical and psychological problems for the user, has become the drug of choice among our low income population. Low income housing projects have become distribution centers where drug buyers come to purchase PCP.

Our intelligence indicates that cocaine, marijuana, PCP, and heroin are being brought into the Metropolitan area from the various ports of entry, i.e., New York, Florida, New Orleans, Carolinas, Georgia, and Virginia. In the United States drug traffickers respect no state lines and move freely from one jurisdiction to another. Most identified drug organizations operate in several jurisdictions.

To combat the mobility of these drug violators our department works closely with the Drug Enforcement Administration, the FBI Task Force, and U.S. Customs on the federal level. On the local level we are an active member of the Metropolitan Washington Council of Governments Narcotic Officers Sub-Committee where we work closely with our adjoining jurisdictions—Prince George's County, Fairfax County, Washington, D.C., and Maryland State Police. All federal, state, and local drug agencies are members and meet at least once a month to exchange intelligence. Contacts are established between all agencies to ensure that drug violators who move freely about will not slip through the cracks. Council of Governments agreements allow drug investigators to enter other jurisdictions in conducting investigations. This tool proves useful when an undercover investigator meets a suspect in Montgomery County who in the middle of the deal drives to Prince Georges County to complete a transaction. I cannot overemphasize the excellent spirit of cooperation which exists among the member jurisdictions of this committee or the important roll it plays in drug enforcement in the Metropolitan area.

Current federal laws have proven to be more than adequate in dealing with interstate drug trafficking. Unfortunately, we lack similar laws at the state level. Examples of laws not available at the state level are the Ricco Act and Interstate Racketeering. These two laws strike at the assets of the drug conspirators. As the result of the lack of such state laws, the federal agencies and their resources, when available, afford us the opportunity to work in federal task forces to go after major multi-jurisdictional violators with large assets. At times, due to fiscal restraints at the federal level, federal money is not available which proves to be a barrier to the interstate drug enforcement efforts.

There is a uniqueness to drug enforcement efforts in the Washington Metropolitan area, in that our nation's capital with federal jurisdiction, is surrounded by two states with state authority. Although different from elsewhere in the United States, there exists no specific law dealing with this unique situation, nor does there exist the need for one.

In conclusion, all drug enforcement agencies including our department, need strong public, executive, and legislative support to continue the war on drugs. Legislation at our level is needed which takes illegal assets of the drug violator and puts them into the drug enforcement budgets to continue this fight.

It is my earnest belief that the most serious hindrance to drug enforcement at all levels of government is that we are overwhelmed by the sheer volume of drugs arriving in this country and by the astronomical wealth of major distributors. Until we receive the full cooperation and support from supplier countries stemming this tide, we are fighting a losing battle. It is imperative that those at the federal level maintain every available pressure and encouragement on these countries to assist us in our efforts.

Only with the support of committees like yours will we continue to make successful strides in the war on drugs.

Mr. FAUNTROY. We thank you so very much, Mr. Hottinger. Your statement, together with that of Mr. Granfield's, will be entered into the record in entirety, without objection.

Now may we hear from Maj. James Ross.

STATEMENT OF MAJ. JAMES ROSS

Major ROSS. Good morning, Mr. Chairman. I am Maj. James Ross. I am the commander of the special operations and investigation for the Prince Georges Police Department. I have with me this morning my commander of my vice section, Lt. Allen McDonald, who will assist me in maybe some of the technical matters I won't be able to respond to.

However, I would like to make a brief statement in that my testimony is in the record, I would like to make a brief statement for the purpose of outlining our unique problem that we have in Prince Georges County.

In the past year, the Prince Georges County Police Department has noticed an increase in drug violations that have been going up every year. In the past year, we have executed over 89 narcotic-related search warrants and have been able to effect arrests of 304 major violators.

As a result of these investigations, we have seized over $2 million worth of drugs, and over $289,000 worth of U.S. currency, plus automobiles and other things we have been able to get our hands on that we have been able to relate directly to the narcotic dealer.

The majority of our investigations has been for PCP and cocaine. We have identified some trends that seem to be increasing every year because of the availability of drugs. We have noticed that there are larger quantities of cocaine available on the street level. That is, kilograms are now available as opposed to quarter and half pounds which were available 2 years ago.

There is more direct importation of cocaine from South America to the Washington metropolitan area. And, finally, cocaine has a higher quality and is now available to more people at more affordable prices.

PCP, while it is still manufactured in this area and is widely available, the substance is now also being smuggled into the Washington metropolitan area from California and Florida in liquid forms.

Marijuana, of course, is a serious nuisance street problem. The main reason is that it is controlled to a large extent by small violent groups that we call the Jamaican problem.

The drug problem is so widely spread in Prince Georges County but the most serious areas are those areas adjacent to the District of Columbia. We do not have a specific profile of distributors or abusers of drugs in Prince Georges County. Each group includes individuals from all economic and social backgrounds represented in the Washington metropolitan area.

Sir, just briefly, for some of our unique problems, I guess all of us have problems but some of our unique problems is being located—situated in this huge metropolitan area of Washington—the common borders that we share.

One of our problems specifically in Prince Georges County is the availability of manpower to combat narcotic problems. I have a total in my vice control section of 21 officers to deal with vice-related drug problems in Prince Georges County, MD. That has a population greater than the District of Columbia, and we police an area of 486 square miles. So you can see we have a problem mainly with manpower.

Another problem that we have is the ability to have our drugs examined in a timely manner for court prosecution. Several years ago, through no fault of DEA, we were no longer able to use the facilities of DEA. And, as a result, we had to go to the State laboratories. State laboratories are so overburdened that they cannot give us timely examinations and turnaround time that we need for preparation of our cases.

At the present time, we supply the State laboratory with over 25 percent of the work that they handle. It is too much for their chemists that they have on board. The logistics problem of just a round trip of delivering and picking up drugs is over 100 miles. We have a problem. We are in need of funds to create a laboratory in Prince Georges County—at least a regional laboratory to be able to professionally expedite the examination and preparation of our narcotic cases.

That concludes my statement in terms of our specific problems.

[The prepared statement of Major Ross follows:]

THE PRINCE GEORGE'S COUNTY GOVERNMENT

April 12, 1985

Presentation by
Major James Ross
Commander, Special Operations and Investigations
Prince George's County Police Department

1. What enforcement mechanisms are available to you in dealing with interstate drug trafficking?

   A. Maryland State Importation Law (Art. 27, Sec. 286A)
   B. Maryland State Conspiracy Law (Art. 27, Sec. 287)
   C. Inter-agency Cooperation and Joint Investigations
   D. Federal Task Force Approach
      (1) Permanent Task Force (e.g. PCP & Heroin)
      (2) Presidential Task Force (established on specific target as opposed to drug problem)
   E. Federally Funded Intelligence Organization (MAGLOCLEN)

The most appropriate role for state and local governments in combatting the trafficking and use of illicit drugs is to direct our efforts to disrupting drug trafficking within our jurisdictions at its highest possible level. In a multi jurisdiction area such as Washington, D.C., our attack on drug trafficking requires a daily exchange of intelligence information and a great deal of cooperation between federal, state and local drug enforcement officers. Further, a cooperative approach can in many ways overcome individual agency limitations such as manpower and equipment, due to budget restraints.

Although the most productive approach to combatting drug trafficking is to direct our resources at the highest possible level of drug trafficking, this approach is not always possible within the local law enforcement agencies due to budget restraints and the need to respond to the daily nuisance complaints from the citizens that we serve.

2. In your opinion, what is the extent of interstate drug trafficking in the Washington Metropolitan area?

During the past five years, there has been an increase in the trafficking of heroin, cocaine, marihuana and the manufacturing of phencyclidine (PCP), within Prince George's County. Although marihuana and cocaine are the most frequently abused drugs, PCP has been the most significant and dangerous problem.

While it is believed that the Washingten Metropolitan area is the East Coast Capital for PCP, the enforcement efforts against PCP has forced the dealers to traffic liquid PCP from California and Florida.

HEADQUARTERS: 3415 N. Forestedge Road, Forestville, Md. 20747

Heroin is trafficked from New York to the Washington Metropolitan area. From January 1984 to December 1984 the Medical Examiner reported a total of 158 heroin related overdose deaths in the Washington Metropolitan area.

Cocaine availability is plentiful in the Washington Metropolitan area. Cocaine violators are traveling to Southern Florida and South America to purchase multi-kilo quantities of cocaine.

There has been an increase in lower and middle level cocaine arrests, however, the cost of cocaine, the lack of funding and manpower prohibits investigations of major and middle level cocaine trafficking.

Marihuana trafficking on a lower level is so wide spread that daily arrests appear to have no impact. Intelligence data as to major or middle level marihuana trafficking has been limited. Current intelligence data reveals that major marihuana traffickers are making more use of the waterways, along the East Coast due to the increased enforcement by federal and local task forces in Florida. Generally, most state or local law enforcement agencies do not have the resources to combat a smuggling problem on our waterways. Further, there is very little intelligence data available regarding illegal activities on these waterways.

3. Are current federal laws on interstate trafficking of illegal drugs adequate?

Laws are adequate at this time.

4. Are there or should there be federal laws relating to the uniqueness of drug enforcement efforts in the Washington Metropolitan area?

The drug traffickers have no boundaries, but each law enforcement agency is restricted by jurisdictional boundaries. This seriously restricts the participants of cooperating agencies while assisting outside their respective boundaries. There should be some legislation that would grant equal law enforcement authority to each member while cooperating in a narcotic investigation within any Washington Metropolitan jurisdiction.

There is currently a Federal Deputization Program but this is somewhat restrictive and doesn't lend itself to the local investigations without a Federal Agency participation.

5. Provide data that you may have on the type of drugs prevalent in each of the Washington Metropolitan area jurisdictions in recent months, the amount in dolars, the estimated quantity available of each drug, where the drugs are principally sold, and where the buyers (abusers) come from who buy?

In the past year the Prince George's County Police Department, Vice Control Section, has executed eighty-nine (89) narcotic related search warrants, arrested three hundred and four (304) violators, seized $2,060,898.00 worth of drugs and $289,525.23 in United States currency.

The majority of the investigations conducted in Prince George's County have been Phencyclidine (PCP) or Cocaine related. The identified trends are; larger quantities of Cocaine available at the street level (e.g. kilograms available now as opposed to quarter (¼) and half (½) pounds which were available two years ago), there is more direct importation of Cocaine from South America to the Washington Metropolitan area, and finally, Cocaine has a higher quality and is available at a more affordable price.

Phencyclidine (PCP), while it is still manufactured in this area and is widely available, the substance is also being smuggled into the Washington Metropolitan area from California and Florida in a liquid form.

Marihuana has become a serious nuisance street problem. The main reason is that it is controlled to a large extent by small violent groups from Jamaica.

The drug problem is wide spread in Prince George's County but is most serious in the areas adjacent to the District of Columbia. There is no specific profile of the distributors or buyers of the drugs in Prince George's County. Each group includes individuals from all economic and social backgrounds represented in the Washington Metropolitan area.

6. *What other enforcement agencies do you cooperate with in the Metropolitan area?*

    1. *Washington Metropolitan Police Department*
    2. *Montgomery County Police Department*
    3. *Fairfax County Police Department*
    4. *Alexandria City Police Department*
    5. *Arlington County Police Department*
    6. *Drug Enforcement Administration (DEA)*
    7. *Federal Bureau of Investigation (FBI)*
    8. *Secret Service*
    9. *U.S. Customs*
    10. *U.S. Capitol Police*
    11. *U.S. Park Police*
    12. *Army CID*
    13. *Air Force OSI*
    14. *Mid-Atlantic Great Lakes Organized Crime Law Enforcement (MAGLOCLEN) Federally Funded under the RISS Project*

7. *What do you recommend as further assistance to your agency in the "War on Drugs" in the Washington Metropolitan area?*

   1. *Federal funds allocated to local law enforcement agencies for warranted multi-jurisidictional drug investigations without the now required mandated oversight by federal law enforcement agencies.*

   2. *A Federal umbrella to give equal law enforcement authority to each member while cooperating in a Washington Metropolitan area drug investigation.*

   3. *Continue to Federally fund MAGLOCLEN under the RISS Project. The RISS Projects (Regional Information Sharing Systems) are multistate agencies designed by the U.S. Department of Justice to support state and local law enforcement efforts to combat major criminal conspiracies. The projects form a partnership between the federal government and local law enforcement. The RISS Projects provide services to 150,000 sworn law enforcement officers in 1,658 criminal justice agencies.*

Mr. FAUNTROY. Thank you so very much, and thank you, each member of the panel.

Just before we go to questioning of the members of the panel, let me make note of the fact that we have been joined in the hearing room by some children whose future, I think, will be largely determined by our ability to bring under control this epidemic that's sweeping our country and our area today. They are fourth, fifth, and sixth graders, from the Henley Elementary School here in the District of Columbia. We are happy to have them join us.

Gentlemen, may I ask you to comment now on what limitations are placed on you under Federal law? For example, you have already indicated that your access to chemical analysis is limited and I wondered if there are any problems with respect to the size of drug case before, you know, before Federal officials can enter? I wonder if you would care to comment on the limitations of Federal law today.

Chief GRANFIELD. Mr. Chairman, I would like to ask Major Young to address that.

Mr. FAUNTROY. Yes, go ahead.

Major YOUNG. I believe there is an obvious gap between the capability of the Federal enforcement agencies with their regulations and internal criteria for the size of investigations in what we actually face in the county. We have some conflict when we try to have a cooperative investigation which is in relation to our needs, which is not the need of the Federal needs. And possibly an adaptation of their criteria be an advantage for us, something that reflects what we see in Fairfax County.

Mr. FAUNTROY. Yes, Mr. Hottinger.

Major HOTTINGER. Yes, sir; I think one of the problems we see in dealing with Federal people is that, and through no fault of their own, that the rules and guidelines that they have are too inflexible. Their priorities, quite naturally, are different from ours. But they are pretty much controlled by weight standards when they go after drugs.

Just recently, we had some input in some meetings with Federal authorities—Montgomery, Prince Georges, and the District of Columbia, had gotten together an informal task force on the marijuana trade being handled by the Jamaican community. And the Federal people were in for a short while but it didn't meet their guidelines because of the weights involved.

However, you can't go by weight alone, you have to look at the impact that the problem is having on the community. As Major Ross stated previously, these are extremely violent people, the people that deal in these drugs. Within the past 6 months in Montgomery County, we have had two murders directly related to the marijuana trade in the southeast part of our county that went right back to the Jamaican connection. We have arrested hitmen that were sent up from Miami, FL, to participate in these crimes. We have had a number of other shootings, aggravated assaults, as a direct result of this drug problem—marijuana, which most people don't consider to be a major drug problem. But the impact it's having on our community is extremely serious.

And I think that the Federal rules that regulate what the Federal people can get involved in were more flexible instead of going by drug weights and the types of drugs involved. I think it would take a more complete overall picture of the impact that it's having on the community, and that would go a long way.

Mr. FAUNTROY. Mr. Ross, would you care to add comments to those which you have made?

Major ROSS. Yes, sir; I want to make it very clear that the cooperation that exists between the Federal agencies and our agencies has never been better in the 26 years that I have been an officer. As the Major points out, though, they are restricted by the rules, legislative mandates, of what they can get involved in. Most recently, in the case being referred to of the Jamaican problem that we are having in the western part of our county, the eastern part of Montgomery County, is very, very acute.

The seriousness of our problems have resulted in shooting deaths. Unfortunately, this summer, we had a young man killed who got caught in a gun battle between our officers and a drug dealer—a young man lost his life. That is part of that problem in that Langley—that western part of our county.

When we went to the Federal authorities, they found out they were indeed interested. They supplied the necessary manpower to analyze intelligence, et cetera. However, the bottom line was that we didn't meet their criterion standard and had to pull out. As a result, Montgomery and Prince Georges County now are 2 and 3 months behind on the investigation, the progress of the investigation, because of the inability of the Federal authorities to assist us in this problem.

We do have a problem in that regard, not through one of cooperation, but because of restriction of legislative mandates that the Federal authorities have to work under.

Mr. FAUNTROY. Mr. Hottinger, you have another?

Major HOTTINGER. Yes; I would like to add one thing—and a lot of the problems that are caused between the cooperation of the Federal and the local jurisdictions, some of it lies with local jurisdictions. Major Ross mentioned earlier today, we have very limited resources. There is a tendency when they establish Federal task forces—there's a permanent task force on heroin, or there's a permanent task force on cocaine. We don't have the people to put into a task force that's going to go on for maybe year after year in an intelligence-gathering mode.

I think it would be helpful—I know it would be helpful to my county, and I would think to the other local jurisdictions, if there could be task forces at lower levels where the goals and the objectives of the task force are clearly and specifically stated so that we can realize some success so that we can successfully defend the expenditure of resources. And when I talk about resources, our problem is people, usually.

Contrary to popular belief, even in Montgomery County we have budget constraints. And if we could have smaller task forces, and a task force a little more specifically defined and aimed at an individual investigation, I think it would be a big help, and we could more readily contribute manpower and resources to those type of task forces.

Mr. FAUNTROY. Thank you so much—a very good contribution, and we will be returning to that before we finish the panel.

I yield to the gentleman from Virginia, Mr. Parris.

Mr. PARRIS. Thank you, Mr. Chairman, several quick questions.

Colonel Granfield, in your statement on record on page 6, you say the primary source for PCP is Washington, DC, and the southern counties of Maryland.

In the opening statement of the chairman, Mr. Fauntroy, he indicates that the surrounding counties are the centers for major PCP chemical purposes. Now, is this an understandable difference of feeling, or is it a difference of perspective? How do you relate the observation that appears to be directly opposite the committee?

Major YOUNG. Mr. Parris, the manufacturing occurs in the rural areas of northern Virginia, mainly areas such as Loudoun County. It moves from the point of manufacture, for our perspective, into the District, and is more or less wholesale or retail in the District, back into Fairfax.

The PCP task force we have had an operation for about 8 years now, has had a definite impact on the number of laboratories in Fairfax and the adjoining counties to the District. We have a great impact. We have almost had a complete eradication. We still have maybe one or two a year that we have identified and will take action against. But the bulk of the laboratories will go more into the outlying northwest and southern counties of Virginia. And that's why District of Columbia is the final point of distribution back to our users in the county.

Mr. PARRIS. What I am trying to get at is the source for PCP is the thing I am trying to focus on most, the utilization of PCP is one thing. Are you suggesting that in the rural counties in Virginia where presumably the law enforcement agencies are less—I hate to use the word "professional," but perhaps are fewer in numbers, and so forth—that that pressure in your enforcement activities, is pushing the manufacture to a different place. Is that it?

Major YOUNG. Exactly.

Chief GRANFIELD. That's it, yes, sir.

Mr. PARRIS. One question for Mr. Hottinger. On page 3 of your testimony, Mr. Hottinger, you stated that due to fiscal restraints at the Federal level, Federal money is not available which proves to be a barrier to the interstate drug enforcement efforts.

Do you refer specifically there to the reference you made about the laboratory, the chemical analysis, and things like that?

Major HOTTINGER. No, sir; I think it was Major Ross that mentioned the laboratory. We are fortunate that in Montgomery County we have our own lab. And we are reaching a level now where we are going to have to increase our staff or get some kind of assistance. But we had not had a problem with Federal money for the lab work.

Mr. PARRIS. You, obviously, then are referring to the Federal task force requirements——

Major HOTTINGER. Yes, sir.

Mr. PARRIS [continuing]. And then you mention not being able to apply it to every one of these task forces.

How would that impact on the Federal money? I don't follow your reasoning here.

Major HOTTINGER. We use Federal money and Federal resources, if we are working a case where we have to go up on wiretaps and things like that, you are talking about tremendous drains on manpower. And if we had more liberal laws for these task forces, we could get some Federal assistance on that. We don't have the people to give to those kind of cases. If we had Federal assistance and some of the Federal resources were available, we could share that. Those are the kinds of things I am talking about. Money can help purchase drugs in large quantities.

Mr. PARRIS. So the Federal contributions to the enforcement efforts generally, if those were enhanced, you could do a better job locally?

Major HOTTINGER. Yes, they could give us more assistance.

I would like to put in a plug for one particular Federal agency that has been of tremendous help to us, and that's the MAGLOCLEN group that's a member—it is one of the RISS agencies. And they give us support with statistical analysis, training, travel funds, and investigative funds, their computer banks with intelligence from all over the region. Those kind of things are invaluable to us. And it is our understanding that there may be some talk about cutting those people's budget. That would have a serious impact on us.

Mr. PARRIS. Thank you.

Major Ross, you talk about in your statement the marijuana traffickers making more use of the waterways along the east coast with the increase in enforcement of the Federal and local task force in Florida, and so forth.

Mr. Gilman was very active in establishing whether this south Florida task force, as you know, we authorized in Congress several years ago the use of the military for enforcement in southern parts of the country. And I share your concern.

I get quite a few comments from time to time from groups who indicate suspicious activity in the mouth of the Rappahannock River—just all down the waterways of Virginia.

Do you get enough evidence to clearly satisfy that the major push is coming to again the less populous areas of the east coast, and I have specific reference to the Eastern Shore and all up and down the waterways of Virginia and Maryland, et cetera?

Major Ross. Mr. Parris, I think there is very ample evidence to indicate that those waterways are indeed being used for interdiction of drugs into this area. There is one group that is not here—and, again, when we talk of this Washington and metropolitan problem, if you just go a few doors from us to Anne Arundel County, and there is plenty of evidence to indicate that those waterways are indeed being used to import drugs. It used to be more isolated to the Eastern Shore where it is more and more becoming bolder and using the waterways around Pasadena and Severn. I suggest there's plenty of evidence to indicate that is indeed occurring.

It is a monumental problem. Our problems go all the way to Baltimore. It is just not isolated in this area—all pieces of the puzzle, all pieces of the problem, all the way to the city of Baltimore, and not just the Eastern Shore.

Mr. **Parris**. One last question. Colonel Granfield, when we have the opportunity to talk just citizens about the drug problem, there is one recurring thing—they say, well, to the police enforcement officers, they get it through the pushers on the street once in a while, but with some obvious exceptions like Rickmeyer, we never get to the big boys, never get to the kingpins, the people who really have the power and the money. All we do is just take away a few of the underlings once in a while.

Is that really true? Are we getting to the guts of the problem or are we just kind of getting in a lick and not really being terribly effective in controlling the problem?

Chief **Granfield**. I don't think we are. I think you are right. I think the people are right in your summation of that. These kingpins are too well insulated. As you can see in the Rickmeyer case, it took from when we identified them as large-scale dealers in 1981, it was 1985 by the time that case was able to be brought to light and prosecute start, and arrests made.

It is very laborious—man-hours, money, all kinds of resources. And, again, that's why all of us here say we need to turn to the Federal Government for that type of a resource. It is a multiyear type thing—once you even identify somebody in order to be able to follow up on it and get the strongest of cases for prosecution so that when you do go down with arrests that you are able to have a good case for prosecution and, fortunately, probably be able to put somebody out of circulation for a good long time.

But you are right, we are just touching the tip of the iceberg. And it's rare when you get somebody that, you know, really is the kingpin—they are just well insulated.

Mr. **Parris**. Well, I understand this is a huge and complex problem. But is there one thing that this subcommittee has the authority to do, that we could do today, that would then increase the effectiveness of enforcement? Is it just personnel, just money, what is it? If you had your choice, what would you have?

Chief **Granfield**. Go ahead.

Major **Young**. After a number of years of trying to grapple with that same question, I think that, obviously, the permanent liaison between all levels of jurisdictions from the Federal, State, and local, however that occurs, whether it's a task force, or whether or not there's a permanent office, that's the answer. When officers and investigators and agents are working together on a case and attacking from every possible angle with tax possibilities, with forfeiture of asset possibilities, and with regular enforcement efforts, that's the solution.

Mr. PARRIS. Communication and cooperation.

Major YOUNG. Also, to be honest, the jurisdictions in effect are competing entities for the attention of the Federal agencies. It is not fair to them, it is not fair to us, to be in competition. Fairfax County shouldn't compete with the District of Columbia. We are not the same style of jurisdiction. We find ourselves trying to gain the same person's attention is pretty difficult. We need separate resources from the Federal level which meld back together for the whole region.

Mr. PARRIS. Thank you. Thank you, Mr. Chairman.

Mr. FAUNTROY. I thank you, Mr. Parris.

We are pleased to have Mr. Gilman. Congressman Gilman, please feel free to ask any questions you wish.

Mr. GILMAN. Thank you, Mr. Chairman.

I certainly welcome the comments made by our panel here this morning in our hearing of our frontline efforts in the metropolitan area.

I might note for our good panelists that Mr. Rangel and I have introduced a measure that is cosponsored by a number of our colleagues throughout the Congress, H.R. 526, that provides some additional State and local narcotics assistance, called the State and Local Narcotics Assistance Act of 1985, that would provide $750 million per year for grants to State and local drug law enforcement agencies for enforcement, treatment, and prevention programs, to help local agencies do the kind of job we expect them to do. We are hopeful that we can get some funding for this kind of a measure this year despite the budgetary constraints, and we have already appeared before the Budget Committee and hope we can generate some enthusiasm for this measure.

I would like to ask the panelists with regard to coordination amongst the various agencies—you certainly have limited personnel, and we recognize that, limited resources, and all the more reason we are trying to make an even better coordinated effort.

What have you done to try to bring about a joint effort yourselves, without waiting on the Federal Government to come in with some sort of a task force? Have you brought together your own coordinating group to some extent? Can you tell me something about that?

Major ROSS. Mr. Gilman, from the local level, the discretion we had taken, we have various people at the narcotic subcommittees, composed of the investigators and commanders of jurisdictions such as metropolitan areas. They meet on a very regular basis and share information on a very regular basis, and our daily contact is such that we had some ongoing processes. A more formalized situation may go on a monthly basis. But on a daily basis, our people are always interacting and anticipate we had formed roots to share intelligence, to share problems, to share information. That is what we have done on the local level to help ourselves.

Mr. GILMAN. Are representatives from all of the police agencies in the metropolitan area included in those groups?

Major ROSS. The majors, that's correct, the major jurisdictions: Arlington, Fairfax, Montgomery County, Prince Georges County, the State police, within State, out of State.

Mr. GILMAN. The District also?

Major ROSS. The District of Columbia, yes, sir. It's almost like the same police department, the cooperation is such.

Mr. GILMAN. Do you work on any coordinated strategic planning for the region, besides the day-to-day problems?

Major ROSS. Yes. For example, we have problems that are unique in Prince Georges and Montgomery County. We have gotten together to combat these problems, putting together teams of men, task forces, sharing information, sharing the things that are given off wiretaps, and surveillances.

Mr. GILMAN. Besides the sharing of information on particular cases, do you sit and try to come up with some long-range strategic plan of action for the whole region? Is there any planning group that sits down and says, look, we have a major problem in this region, and let's take a look at what we can do for a long-range plan for the area?

Major HOTTINGER. I think the COG committee that the major mentioned earlier is the main vehicle for that and, of course, they have regional conferences, where they get together for a week at a time with people all over the mid-Atlantic region. Agents get to know one another, vice commanders get to know one another, so there is a free exchange of information.

I would say that because of our common border with Prince Georges County that we probably work closer with them, and more often, than we do with some of the other jurisdictions—we are separated from Fairfax by the river. But we have a very commonality problem in Montgomery and P.G. County, and in the District of Columbia, with this marijuana problem.

I know that my vice commander, Lieutenant Taylor, and Major Ross' vice commander, Lieutenant McDonald, are talking to one another several times every week. When there is something that needs to be addressed at a higher level, we are brought into it. But they are the people that are out on the street getting the work done, and they are the people that interact most often.

Mr. GILMAN. I appreciate that there must be a great deal of interaction in the exchange of information. I guess what I am seeking is whether or not you have explored the possibility of establishing your own local task force, something of a formal nature that would sit down and try to work out a long-range plan of how best to utilize the resources that are available to the whole region to make a frontal attack on this problem, and not just how to approach each problem as it comes up in the interchange of intelligence on cases that you are working on.

How best to bring together all of the resources that you have locally, and considering the limitations and budgetary restrictions, how best to utilize what is available to make a frontal attack on the regional problem.

Has that been thought about at all with you undertaking any efforts in that direction? Do you care to comment on that?

Major YOUNG. Fairfax now is participating in three permanent task forces. We have three ongoing permanent task forces in place right now. One with DEA and other local agencies, one with the State police and other local agencies in Virginia, and one, a Presidential task force.

The only problem with that is we are at a point of saturation. We cannot afford additional participation in programs even though they are very beneficial. At some point we have to have a capability to address local issues that are recurring in our jurisdiction. So we think the task forces are extremely beneficial. We hope to participate in the future, but in order to do more of that we would need additional resources.

Mr. GILMAN. So the recommendation that was made before about the lower level task force is an essentially workable one, is that what you are saying?

Major YOUNG. Yes. You can make the sacrifice to a certain degree but at a point which, of course, is a very dynamic decision point, you reach the level where you can no longer detract from local needs to participate in a regional need. They exist simultaneously.

Mr. GILMAN. Is some funding being made available from all of the jurisdictions in the metropolitan area for such a task force?

Major YOUNG. Funding is available to the PCP task force. The State police in our Commonwealth has taken the umbrella role in the State task force that we have in northern Virginia.

Mr. GILMAN. And that's only for a PCP task force. Now, what about a normal role locally founded and locally funded task force to address the overall narcotics problem? Has any effort been undertaken in that direction?

Major YOUNG. No, sir. The problem does not exist as a separate direct funding for a task force. We have to take that from other existing demands and channel it toward the task force.

Mr. GILMAN. In other words, that hasn't been explored at all in the past to bring together the locally funded and locally operated task force?

Major YOUNG. Not to any degree that we can recognize.

Mr. GILMAN. Now, what about the problem of this lab? Has anyone explored the possibility of having a local regional lab that could be funded by all of the agencies? I understand one of you has a lab. Have you explored the possibility of a regional lab for your own utilization?

Major ROSS. The answer to that is, yes, we have. We have ongoing negotiations trying to develop a regional laboratory, trying to share resources we have got with Montgomery County. Unfortunately, the funding has not been available to us to get involved in that. We figure about a quarter of a million dollars to establish a case for a laboratory, indeed, a regional lab like we share a regional automated fingerprint system with Montgomery County. That could be regionally beneficial to Prince Georges and Montgomery County. They could probably turn out more with combining resources. Unfortunately, we have not been able—for various reasons, whatever the reasons, budget reasons—to get it off the ground.

We are in dire need of a laboratory. We need it. A regional laboratory would indeed help to combat this drug problem that we are having.

Mr. GILMAN. It would seem to me that with Fairfax, Montgomery, Prince Georges and the District all involved, you ought to be able to work in a small sum for each area to develop a proper regional lab, and then to look to the Federal Government for some seed money to help out with that.

Major ROSS. Mr. Gilman, you are talking about heavy political decisions that I think we are capable of making. We have made recommendations but now you are going to involve State jurisdictions. It is tough enough to get regional things done in the State of Maryland regionally, let alone involving the State of Virginia and the District of Columbia in that kind of operation.

Mr. GILMAN. Someone testified that about 25 percent of the State lab business comes from this area. It seems to me there could be a savings statewide if it were brought down to a regional level. I assume you pay some user fees for some of the lab facilities that you use now, do you not?

Major ROSS. I indicated that we supply 25 percent of the work that the State laboratory handles for us in Pikesville, MD. That comes out of the State budget. The problem is so acute now that the county has appropriated temporary funding to hire chemists on a part-time basis to help us catch up with the backload, but that's a Band-Aid treatment. Again, getting back to the regional lab, it would be very beneficial to agencies like Prince Georges and Montgomery County, the major jurisdictions.

Mr. GILMAN. Let me ask our DEA representative, Mr. Kenaston, to be seated here with us to tell us, has that funding been cut off now for local lab assistance through the DEA? Would you mind coming forward and tell us what you might know about that?

I guess you had better identify yourself.

Chief GRANFIELD. Mr. Gilman, I might add, though, in northern Virginia, we don't have that problem. We do have the State-funded lab base.

Mr. KENASTON. I am Greg Kenaston with the Congressional Affairs Office of the DEA.

I don't know exactly what the status of the funding for the laboratory situation is. I know that at one time we did do analysis for some of the local jurisdictions, but I believe because of the volume, that we are not able to do as much as we used to.

Mr. GILMAN. You still have the function of the lab, though, in DEA?

Mr. KENASTON. Yes, sir, yes, we do.

Mr. GILMAN. Could you explore whether that might be further available for some local assistance, and let us know what the situation is? If it is possible that local assistance could be available if there is a need for additional funding, to let us know what that possibility is, that you might be able to help out?

Mr. KENASTON. We would be happy to look into it for you, sir.

Mr. GILMAN. Thank you, appreciate it.

I would like to urge our local officials to consider the possibility of getting some sort of a locally funded lower profile task force we talked about earlier, and reaching out to your own jurisdictions for some assistance. If our measure gets through, it is intended to try to help local agencies that are doing regional planning, and long-range planning, to try to help in that kind of financial assistance.

Thank you. Thank you, Mr. Chairman.

Mr. FAUNTROY. We thank you, Mr. Gilman.

Mr. PARRIS. Mr. Chairman?

Mr. FAUNTROY. Yes, Mr. Parris.

Mr. PARRIS. With your permission, I would like to ask one question of Colonel Granfield.

Mr. FAUNTROY. Certainly.

Mr. PARRIS. Colonel, Fairfax County is 410 square miles—the other gentleman indicated that Prince Georges is 438.

Major ROSS. 486.

Mr. PARRIS. 486. How many officers do you have in drug enforcement activities of one kind or another in Fairfax?

Chief GRANFIELD. In our vice and narcotics section we have 16, of which 12 are dedicated toward the narcotics end of it. With three already farmed out to a regional task force, that leaves us just nine, and that stretches us fairly thin.

Mr. PARRIS. I think you just have 21, don't you?

Major ROSS. Mr. Parris, we have a total of 21 officers to handle vice- and narcotic-related problems. Ten are dedicated to the narcotic enforcement effort, only 10—and which is not much for a county of over 700,000 people with the borders that we share with the District of Columbia.

Mr. PARRIS. That's the point I want to make, Mr. Chairman, that Fairfax County has a population in excess of 700,000 people right now—and 9 officers. That to me, on the face of it, is almost criminal.

Chief GRANFIELD. There's one thing you do with that—your numbers are somewhat larger than that when you take into consideration at some of our stations we have some undercover teams that come under the station command and we use them from time to time for drugs. Also, from time to time, our officers, the street officers, even though they are in uniform, they will make some drug enforcement arrests, and that helps us out.

Mr. PARRIS. I understand that, Colonel. I didn't mean to be critical. As Mr. Barnes said, this is war—and we are not even geared up to have a good battle. We are just misinformed.

Mr. FAUNTROY. Thank you so much, Mr. Parris.

Mr. GILMAN. Mr. Chairman?

Mr. FAUNTROY. Mr. Gilman.

Mr. GILMAN. To pursue that a little further, I want to get those figures. Fairfax has 700,000 population, is that right?

Chief GRANFIELD. Yes, approximately.

Mr. GILMAN. And you have nine narcotics officers?

Chief GRANFIELD. No, we have 16 in the vice and narcotics section.

Mr. GILMAN. With nine on narcotics?

Chief GRANFIELD. Twelve are actually assigned to narcotics, but as I stated, three are now farmed out to various task forces. And for local type of situations, that brings us down to a mean number of eight or nine.

Mr. GILMAN. What about Montgomery County, what's the population?

Major HOTTINGER. Somewhere around 690,000.

Mr. GILMAN. And how many of your officers are devoted to narcotics?

Major HOTTINGER. We have nine narcotics officers and two others in the pharmaceutical section, which work narcotics in a different light.

Mr. GILMAN. You have nine out in the field.

And in Prince Georges County what do we have—population?

Major ROSS. Over 700,000 people, sir. We reduced our numbers site-wise from 948 at the present time to approximately 908 officers that patrol.

Mr. GILMAN. How many are in narcotics?

Major ROSS. Ten that are dedicated. Twenty-one total, vice and narcotics section; 10 are dedicated to narcotic enforcement.

Mr. GILMAN. A population, Mr. Chairman, of about 2 million people and about 30 narcotics officers. No wonder we have a problem.

Thank you.

Mr. FAUNTROY. Thank you so very much for that very cogent observation.

Gentlemen, just before we move on to hear from the District of Columbia Police Chief Maurice Turner, let me just ask two quick questions.

The first is, under the current interstate compact agreements, are you able to pursue suspects across jurisdictional lines?

Major ROSS. That's a very touchy situation. The answer to that is, yes, in felony situations. It is very, very closely regulated. It can become a very dangerous problem when we start chasing people across State lines at high speeds. We can do it—do it under certain situations, very restricted situations. Then we run into other problems once we get across the line, when we capture them, so to speak, on the other side of the line—now, what do we do with them?

Mr. FAUNTROY. Let's not talk about high pursuit. I am talking about pursuit of dealers in an undercover manner. Do you have any problems in that?

Major ROSS. No, sir, we don't. We have the ability to come in and conduct investigations, and surveillances, while coordinating with the various jurisdictions, like the Metropolitan Police. We don't have a problem getting in and doing the work that we have to get done—the leg work, so to speak.

Mr. FAUNTROY. If you were tailing a suspect with a trunk full of marijuana and he drove over the District line, could you continue in a fashion that you might apprehend him in the District of Columbia?

Major ROSS. With the Metropolitan Police, bringing them into the picture, yes, we could apprehend him. But we could not do it under our authority.

Mr. FAUNTROY. I see.

Are there other comments on this question?

Chief GRANFIELD. That would be the same thing with us. You try to stop them before they get out of your jurisdiction. Of course, we can go into adjoining jurisdictions for us in Virginia. But then, of course, then you cross the State lines and you end up into another problem.

Mr. FAUNTROY. Thank you.

Second, is there any disparity in the sentencing of suspects or persons who have been convicted in the various jurisdictions? And, if so, what are those problems?

Chief GRANFIELD. I think there is a disparity. Speaking for the difference between Virginia and the District of Columbia, for instance, we mentioned our problem with the marijuana. People can get time in Virginia for marijuana, very unlikely in the District. But, again, I think each is attending to their own issues and I understand that, you know, heroin is the problem in the District of Columbia and the cocaine and marijuana is our problem. But, definitely, there is a disparity. I think time is more apt to occur in Virginia than it is in other jurisdictions.

Mr. FAUNTROY. Yes.

Gentlemen, this subcommittee and many Members of Congress are probably going to be calling upon you to get your heads together in all four, now five jurisdictions, and I hope that you do take very seriously the suggestion of Mr. Gilman that perhaps we have to put together something like a Washington metropolitan area transit authority by which you have a task force that is structured, that shares information, that conducts investigations as if we were one jurisdiction with many parts.

And, second, I would certainly hope you would give careful attention to both the pursuit questions between jurisdictions and the disparities in sentences, which might be better addressed through both Federal and State legislation.

Mr. PARRIS. Mr. Chairman?

Mr. FAUNTROY. Yes.

Mr. PARRIS. On that point, Mr. Chairman, I have a bill pending before this committee that I had in the last Congress, and still have, on that. And I would be very grateful if the chairman's subcommittee would join with me in a conspiracy to move that legislation forward.

Mr. FAUNTROY. It might be a very good part of an omnibus bill that would establish a reasonable authority and that would assure that all of the issues that have been addressed here thus far were better coordinated and concentrated. So, thank you so very much.

We have been joined by the distinguished chairman of the House Select Committee on Narcotics Abuse and Control, Hon. Charles B. Rangel of New York. We are so happy that you could join us, Mr. Rangel. We have just completed a panel of police chiefs from Fairfax County, Montgomery, and Prince Georges Counties, and are about to move on to testimony from the chief of police of the District of Columbia.

As you prepare to make your remarks, let me enter with yours, statements from Senator John Warner of Virginia and Senator Charles McC. Mathias of Maryland, who, likewise, wish to be on the record at this hearing.

[The statements follow:]

U.S. Senate,
Washington, DC, April 4, 1985.

Hon. Walter E. Fauntroy,
Chairman, Subcommittee on Fiscal Affairs and Health, Committee on the District of Columbia, Washington, DC.

Dear Mr. Chairman: Thank you very much for the kind invitation to participate in your April 17 hearings on the problem of interstate drug trafficking in the Washington Metropolitan Area.

Unfortunately, my schedule for the 17th has long been obligated, and I will be unable to take part in the proceedings. I wish you well in your endeavor and look forward to reviewing the results of your findings.

With kindest regards,
Sincerely,

John W. Warner.

U.S. Senate,
Washington, DC, April 12, 1985.

Hon. Walter E. Fauntroy,
House of Representatives, Washington, DC.

Dear Mr. Walter Fauntroy: Thank you for your invitation to join you on the dais when your Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia conducts a hearing on the scope and pattern of interstate drug trafficking in the Washington metropolitan area.

I regret that I will be unable to join you; however, I congratulate you for conducting this hearing. I am sure the hearing will highlight and thereby bring needed attention to the regional nature of the drug problem facing the Washington metropolitan area. While drug trafficking is a serious problem throughout our nation, you are undoubtedly correct in pointing out the "uniqueness" of the National Capital Region. This uniqueness is clearly a factor which should not be ignored as we address the problems presented by the presence of illegal drugs.

If the hearing can bring into focus the steps which are being taken in the region to deal cooperatively with the problem of illegal drugs and any additional actions which may be necessary to enhance these efforts, it will have made a tremendous contribution.

Again I congratulate you and ask that you keep me informed.

With best wishes,
Sincerely,

Charles McC. Mathias, Jr.,
U.S. Senator.

Mr. Fauntroy. Congressman Rangel?

Mr. Rangel. Mr. Chairman, thank you. I ask permission that my prepared statement be placed in the record. And after being briefed by Ben Gilman, the ranking Republican on the select committee, and Mr. Cusack, I just want you front-line troops to know that we know what you are up against, and we hope that you are able to continue to work together, and that you be candid in sharing how this Congress can be more helpful in providing the resources that are so necessary to battle the type of war that we are involved in. It is unfortunate that the war has been engaged on a national level, but for the most part, does not include too much local or State resources, but it is primarily concerned with the national effort.

But it just seems to me that if we want you to do what you can do best, we should be prepared to get those resources to you. We do have a bill that hopefully will pass the Congress, that will make those moneys available. But it has become abundantly clear that this area is a target area. People in this area have been hit just as hard as a half-dozen other areas throughout the country—New

York being one of them. It is clear that we are losing lives, that it is affecting the quality of life.

One thing that hasn't happened here, but certainly we found it in other countries, as well as States and cities, is that it creates a contempt for law and order. It places politicians and law officials as being perceived to be a part of the problem because of the inability to get these people off the street.

I don't have to tell you professionals what it means when a community loses confidence in its public officials, whether they are police law enforcement officers or whether they are elected officials.

We are going back to California this week. Ben Gilman and I had hearings in Redding that would cause any law enforcement official to cry to see how sheriffs are saying that they cannot make the arrests because they don't have the money to put these people away. The citizens were saying that the police and the sheriffs were part of the conspiracy only because everyone knew who the people were and there were not the resources to take them off the street.

So, we can't have that happen in any of our communities, certainly not in our major cities, and certainly not in our Nation's Capital. We have someone like Walter Fauntroy that is prepared to get on with so many different issues, including serving on the Select Narcotics Committee, we would want you to know that as difficult as your task seems, that we do understand it, we are sensitive to it. And you should feel free to talk with us, and not necessarily on each side of these sets of mikes, to share with you how we can bring the Federal resources closer to the battlefronts in which you serve.

Thank you, Mr. Chairman.

Mr. FAUNTROY. I thank you, Mr. Chairman.

Thank you, gentlemen, we are very appreciative of the effort you have made to enlighten us on this subject.

May I now call to the witness table the distinguished chief of police of the District of Columbia, Chief Maurice Turner.

Thank you so very much, Chief Turner, for an excellent piece of testimony, which I have had an opportunity to read, and thank you for your patience in staying with us as long as you have this morning. We know what a tremendous task you have as our police chief here, and we welcome you and your associates.

STATEMENT OF MAURICE T. TURNER, JR., CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT, DISTRICT OF COLUMBIA, ACCOMPANIED BY KRIS COLIGAN, INSPECTOR, DIRECTOR OF THE MORALS DIVISION, AND JAMES P. NESTOR, CAPTAIN, NARCOTICS SQUAD, METROPOLITAN POLICE DEPARTMENT

Chief TURNER. Thank you, Mr. Chairman, I would like to identify the two people here with me. To my right is the commanding officer of the morals division for the Metropolitan Police Department is Inspector Kris Coligan, and to my left the commanding officer of the narcotics squad, Metropolitan Police Department, Capt. James Nestor.

Mr. Chairman, I feel so strongly about this issue today that I think I should read my entire statement. I want to admit it for the record but I feel that strongly I think it should be read.

Mr. FAUNTROY. It's excellent.

Chief TURNER. Mr. Chairman, members of the Subcommittee on Fiscal Affairs and Health, of the Committee on the District of Columbia, I appreciate the opportunity to be here today for the purpose of making a statement on the scope and pattern of drug trafficking in the Washington metropolitan area.

The local drug problems in drug enforcement are multifaceted. Today, drug abuse has reached epidemic proportions within the District of Columbia. There are nine active drug treatment clinics in our city and all are filled to maximum level.

According to our Alcohol and Drug Abuse Services Administration, there are an estimated 15,000 heroin addicts citywide.

Narcotic-related overdose deaths have risen from a low of 7 in 1978, 41 in 1979, 62 in 1980, 115 in 1981, leveled off to 100 in 1982, 69 in 1983, and dramatically increased to 140 in 1984. Through March 31, 1985, there have been 42 deaths.

Heroin street purity has risen from less than 2 percent in 1978 to a level of more than 6 percent in 1984.

Most alarming is the fact that during the same time period the purity has tripled, heroin street prices dropped more than half, thus indicating a readily available supply of heroin.

In addition to heroin, other controlled substances have increased in availability throughout the city. In the past there were only several locations situated in specific areas of the city that were known as street market places for drugs. Now we see street market places cropping up at more and more locations.

Moreover, diversion by licensed practitioners of legitimate pharmaceutical drugs, such as dilaudid and preludin, into the illicit drug trafficking market contributes to the problem of drug availability. Dilaudid is used as a substitute for heroin by addicts and also used exclusively by other abusers. Preludin is also used by heroin addicts primarily to extend their high and to increase the effect of heroin.

Cocaine is readily available and extensively abused. In prior years cocaine was abused primarily as a recreational drug and the expense of the drug limited the extent of abuse. However, due to the abundant availability of cocaine and the reduction in price, cocaine has become a leading drug of choice. We now find violators selling heroin and cocaine from the same locations.

The most striking statistic about the increase in the use of cocaine is a report compiled from information received from the District of Columbia Medical Examiner. This report indicates that in 1982, 10 people met violent type deaths, that were shot, stabbed, or beaten, with the presence of cocaine in their bodies. In 1983 this figure rose to 45, and in 1984 this figure increased to 88.

Also during this same time period, arrests by the Metropolitan Police Department for drug violations involving cocaine has increased 90 percent from 584 arrests in fiscal year 1982 to 1,029 arrests in fiscal year 1984.

Marijuana is by far the most abused drug and is available throughout the city, and the drug of chcice by youthful abusers. It is also the drug most commonly found in and around schools. However, its abuse is not exclusively that of the youth. Contrary to the belief held by many citizens, the possession of small amounts of marijuana is a crime.

A most alarming phenomenon of the local drug scene is the emergence of PCP as a leading drug of choice by the youthful abuser. PCP was first developed as an anesthetic in the 1950's. However, it was taken off the market for human use because it sometimes caused hallucinations.

During the past year, street sales of PCP have greatly escalated. Street locations previously known for the distribution of cannabis have become marketplaces for PCP distribution. The majority of arrests for sale and possession of PCP involve juveniles and young adults. Most persons arrested in connection with PCP are either under the influence of PCP or suffering effects from current use. Also, they often exhibit violent and unpredictable behavior when arrested.

As in the case demonstrating the increase in cocaine abuse, the District of Columbia Medical Examiner's Office toxicology reports regarding the presence of PCP in decedents at their time of death illustrates the prevalence of PCP abuse. For example, in 1983 there were 65 decedents having the presence of PCP in their systems. In 1984, there were 69 decedents having the presence of PCP in their systems.

Also, arrests for drug violations involving PCP have risen over 115 percent from 1,047 in fiscal year 1983 to 2,231 in fiscal year 1984.

Our enforcement measures to combat the drug problem are multiphased. One of our most effective enforcement programs is a Drug Enforcement Administration and Metropolitan Police Department Joint Task Force, established for the purpose of cooperating in the investigation, institution, and prosecution of cases involving major drug violators and stemming the flow of drugs into the District of Columbia, as well as dealing with illicit drug traffickers who know no local or State boundaries.

This joint program greatly enhances law enforcement efforts in the area of sufficient confidential funds, frequent rotation of undercover officers, necessary multijurisdictional arrest powers and coordinated regional approaches to drug enforcement.

In addition, locally, each of our seven police districts apply their drug enforcement efforts through their vice units and primarily enforce obvious "street deals."

The morals division investigates those persons identified as having a more significant role in drug trafficking than street dealers. The morals division implements special investigative procedures such as the use of informants, surveillance operations, conspiracy investigations, diversion cases and clandestine laboratories.

Also, within the morals division is a pharmaceutical drug diversion investigative unit established to primarily eliminate or significantly reduce the illegal diversion of drugs by health professionals licensed by the District of Columbia to dispense, prescribe, administer, or handle controlled drugs. This is one area of drug trafficking which has been significantly reduced.

As previously mentioned, dilaudid and preludin are the pharmaceutical drugs most often diverted into the illicit market. Arrests for drug violations involving dilaudid has decreased from 338 in fiscal year 1982 to 124 in fiscal year 1984, and arrests for preludin violations has decreased from 1,331 in 1982 to 672 in 1984.

Moreover, the Organized Crime Drug Enforcement Task Force Program has funding available to reimburse local law enforcement agencies for overtime costs and authorized travel and per diem expenses incurred by local personnel who, as a result of a signed agreement, work on a task force case.

Also, the agreement provides for deputation of local law enforcement personnel as special deputy U.S. marshals.

The morals division is currently engaged in a task force case involving the diversion of illicit drugs by licensed practitioners into the illicit street market.

When I assumed office on July 1, 1981, one of my first acts was to establish a narcotic task force whose objective was to attack the street level sales of illicit drugs. Since its inception, the narcotic task force has arrested 8,805 people for either sale or possession of illicit drugs, seized $444,619 in cash, 15 shotguns, 177 handguns, 9 rifles, and 32 vehicles. Among those arrested were 80 people wanted in other jurisdictions as fugitives from justice.

Through these enforcement measures, we apply pressure at all levels of the local illicit drug trade.

Contrary to popular belief, drug abuse is not solely a problem among the unemployed and disadvantaged. Drug abuse crosses all social, economic, racial and ethnic lines of society. Neither is the current drug epidemic situation solely a D.C. problem. The drug trafficking occurring in the District of Columbia is largely an interstate enterprise.

Our investigations reveal that nearly all of the local major narcotic violators who supply drugs, which are sold at street level in the District of Columbia, reside outside the District of Columbia. Likewise, we know that a substantial number of drug abusers who purchase drugs on the streets of the District of Columbia reside outside the District of Columbia.

Fortunately, during the past few years, cooperation between the various drug enforcement units in the Washington metropolitan area has been very positive. Representatives from the drug units throughout the Washington metropolitan area, formerly known as the Narcotic Officers Subcommittee of the Council of Governments, meet on a monthly basis.

Because of the enormous market for illicit drugs, drug trafficking has become very lucrative. It is nearly impossible to accurately estimate the quantity of illicit drugs which are available on our streets or the profits realized by drug traffickers.

However, a conservative estimate on heroin availability and dollars involved is as follows: We estimate that there are 15,000 heroin addicts in the District of Columbia; during 1 year, to purchase street bags of 5 percent heroin at $35 a bag, these addicts will spend approximately $191,625,000 to support their habit.

To supply the addicts, major heroin violators will buy 283 pounds of 80-percent-pure heroin at a cost of $56 million. Therefore, major heroin violators will realize a $135 million profit. Out of the profit they will pay members of their organization to actually sell the heroin.

Essentially, the problem of narcotics abuse within our country can be viewed from two perspectives: the supply side, and the demand side. Each area is critical to any overall effort in stemming the tide of rampant narcotic abuse and it is equally critical that a proper balance be struck between enforcement and treatment efforts.

How can we effectively combat the drug problem facing this Nation and this city in particular?

On the Federal level, the U.S. Government must encourage and assist foreign governments of producer countries to undertake crop control programs, thereby reducing the production of illegal drugs at the source.

For example, our experience at the street level subsequent to Turkey's 1972 poppy ban and Mexico's 1975 poppy eradication programs at the source of the product had a dramatic impact on the purity percentages and ready availability of heroin in our communities.

We must be able to seize assets derived from drug trafficking, develop better intelligence activities soliciting support from the governments of producer countries.

We must work diligently toward the highest possible rate of conviction of drug traffickers and the ultimate destruction of their criminal organizations.

Effective coordination and full cooperation among the Federal, State, and local law enforcement agencies are essential to any effort directed at the importation, manufacture, distribution, and sale of illegal drugs within the United States.

Aggressive interdiction and investigation, effective prosecution, stiff prison sentences, seizure of assets, are essential to control drug trafficking.

The community, in aiding law enforcement, must refuse to participate in purchasing illicit drugs. So long as the demand for drugs remains high in the community, the dealer will attempt to sell his merchandise due to the enormous potential for profit. The drug abusing community must decrease its demand. The community must shoulder more of the responsibility. It must support the efforts of law enforcement in joint community programs.

The people must not stand silent while drugs invade their communities. Communities must reach out to their neighbors, their PTA's, their civic groups. Communities must organize programs which encourage people to provide information, anonymously, if necessary, or report the observance of suspicious activities. Examples are the crime stoppers and neighborhood watch programs.

An enlightened public, eager for information and guidance, willing to become involved in community problems, and supportive of cooperative efforts with local law enforcement, can better protect itself and help to bring this country's drug abuse and crime problems under control.

I would be happy to answer any questions that you have, sir.

[The prepared statement of Chief Turner follows:]

STATEMENT OF MAURICE T. TURNER, JR., METROPOLITAN POLICE DEPARTMENT, CHIEF OF POLICE

Mr. Chairman, members of the Subcommittee on Fiscal Affairs and Health, of the Committee on the District of Columbia, I appreciate the opportunity to be here today for the purpose of making a statement on the scope and pattern of drug trafficking in the Washington Metropolitan Area.

The local problems in drug enforcement are multifaceted. Today, drug abuse has reached epidemic proportions within the District of Columbia. There are nine (9) active drug treatment clinics in our City and all are filled to maximum level. According to our Alcohol and Drug Abuse Services Administration, there are an estimated 15,000 heroin addicts, city-wide. Narcotic related "overdose deaths" have risen from a low of seven (7) in 1978, forty-one (41) in 1979, sixty-two (62) in 1980, one hundred fifteen (115) in 1981, leveled off to one hundred (100) in 1982 and sixty-nine (69) in 1983, and dramatically increased to one hundred forty (140) in 1984. Through March 31, 1985 there have been forty-two (42) deaths. Heroin street purity has risen from less than two percent (2%) in 1978, to a level of more than six percent (6%) in 1984. Most alarming is the fact that during the same time period that the purity has tripled, heroin street prices dropped more than half; thus indicating a readily available supply of heroin.

In addition to heroin, other controlled substances have increased in availability throughout the City. In the past there were only several locations situated in specific areas of the City that were known "street market places" for drugs. Now we see "street market places" cropping up at more and more locations.

Moreover, diversion by licensed practitioners of legitimate pharmaceutical drugs, such as Hydromorphone (Dilaudid) and Phenmetrazine (Preludin), into the illicit drug trafficking market contributes to the problem of drug availability. Dilaudid is used as a substitute for heroin by addicts and also used exclusively by other abusers. Preludin is also used by heroin addicts primarily to extend their high and to increase the effects of heroin.

Cocaine is readily available and extensively abused. In prior years cocaine was abused primarily as a recreational drug and the expense of the drug limited the extent of abuse. However, due to the abundent availability of cocaine and the reduction in price, cocaine has become a leading drug of choice. We now find violators selling heroin and cocaine from the same locations.

The most striking statistics about the increase in the use of cocaine is a report compiled from information received from the District of Columbia Medical Examiner. This report indicates that in 1982, ten (10) people met with violent type death (shot, stabbed, beaten) with the presence of cocaine in their bodies. In 1983 this figure rose to forty-five (45) and in 1984 this figure increased to eight-eight (88).

Also, during this same time period arrests by the Metropolitan Police Department for drug violations involving cocaine has increased ninety percent (90%) from 584 arrests in FY 1982 to 1,092 arrests in FY 1984.

Marihuana is by far the most abused drug and is available throughout the City, and the drug of choice by youthful abusers. It is also the drug most commonly found in and around schools. However, its abuse is not exclusively that of the youth. Contrary to the belief held by many citizens, the possession of small amounts of marihuana is a crime.

A most alarming phenomenon of the local drug scene is the emergence of Phencyclidine (PCP) as a leading drug of choice by the youthful abuser. PCP was first developed as an anesthetic in the 1950's. However, it was taken off the market for human use because it sometimes caused hallucinations.

During the past year, street sales of PCP have greatly escalated. Street locations previously known for the distribution of Cannabis have become market places for PCP distribution. The majority of arrests for sale and possession of PCP involve juveniles and young adults. Most persons arrested in connection with PCP are either under the influence of PCP or suffering effects from current use. Also, they often exhibit violent and unpredictable behavior when arrested

As in the case demonstrating the increase in cocaine abuse, the District of Columbia Medical Examiner's Office toxicology reports regarding the presence of PCP in decedents at their time of death illustrates the prevelence of PCP abuse. For example, in 1983 there were sixty-five (65) decedents having the presence of PCP in their systems. In 1984, there were sixty-nine (69) decedents have the presence of PCP in their systems. Also, arrests for drug violations involving PCP have risen over one hundred fifteen percent (115%) from 1,047 in FY 1983 to 2,231 in FY 1984.

Our enforcement measures to combat the drug problem are multiphased. One of our most effective enforcement programs is a Drug Enforcement Administration and Metropolitan Police Department Joint Task Force, established for the purpose of cooperating in the investigation, institution and prosecution of cases involving major drug violators and stemming the flow of drugs into the District of Columbia, as well as dealing with illicit drug traffickers who know no local or state boundaries. This joint program greatly enhances law enforcement efforts in the areas of sufficient confidential funds, frequent rotation of undercover officers, necessary multi-jurisdictional arrest powers and coordinated regional approaches to drug enforcement.

In addition, locally, each of our seven police districts apply their drug enforcement efforts through their vice units and primarily enforce obvious "street deals."

The Morals Division investigates those persons identified as having a more significant role in drug trafficking than "street dealers." The Morals Division implements special investigative procedures such as the use of informants, surveillance operations, conspiracy investigations, diversion cases and clandestine laboratories. Also, within the Morals Division is a Pharmaceutical Drug Diversion Investigative Unit established to primarily eliminate or significantly reduce the illegal diversion of drugs by health professionals licensed by the District of Columbia to dispense, prescribe, administer or handle controlled drugs.

This is one area of drug trafficking which has been significantly reduced. As previously mentioned, Dilaudid and Preludin are the pharmaceutical drugs most often diverted into the illicit market. Arrests for drug violations involving Dilaudid has decreased from 338 in FY 1982 to 124 in FY 1984, and arrests for Preludin violations has decreased from 1,331 in 1982 to 672 in 1984.

Moreover, The Organized Crime Drug Enforcement Task Force program has funding available to reimburse local law enforcement agencies for overtime costs and authorized travel and per diem expenses incurred by local personnel who, as a result of a signed agreement, work on a Task Force case. Also, the agreement provides for deputation of local law enforcement personnel as Special Deputy United States Marshals. The Morals Division is currently engaged in a task force case involving the diversion of licit drugs by licensed practitioners into the illicit street market.

When I assumed office on July 1, 1981, one of my first acts was to establish a Narcotic Task Force whose objective was to attack the street level sales of illicit drugs. Since its inception, the Narcotic Task Force has arrested 8,805 people for either sale or possession of illicit drugs, seized $444,619 in cash, 177 handguns, 15 shotguns, 9 rifles, and 32 vehicles. Among those arrested were 80 people wanted in other jurisdictions as fugitives from justice.

Through these enforcement measures, we apply pressure at all levels of the local illicit drug trade.

Contrary to popular belief, drug abuse is not solely a problem among the unemployed and disadvantaged. Drug abuse crosses all social, economic, racial and ethnic lines of society. Neither is the current drug epidemic situation solely a District of Columbia problem. The drug trafficking occurring in the District of Columbia is largely an interstate enterprise. Our investigations reveal that nearly all of the local major narcotic violators who supply drugs, which are sold at street level in the District of Columbia, reside outside the District of Columbia. Likewise, we know that a substantial number of drug abusers who purchase drugs on the streets of the District of Columbia reside outside of the District of Columbia.

Fortunately, during the past few years, cooperation between the various drug enforcement units in the Washington Metropolitan Area has been very positive. Representatives from the drug units throughout the Washington Metropolitan Area, formally known as the Narcotic Officers Sub-Committee of the Council of Governments, meet on a monthly basis.

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To supply the addicts, major heroin violators will buy 283 pounds of 80% heroin at a cost of $56,600,000.00. Therefore, major heroin violators will realize a $135,025,000.00 profit. Out of the profit they will pay members of their organization to actually sell the heroin.

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How can we effectively combat the drug problem facing this nation and this city in particular? On the federal level, the U.S. Government must encourage and assist foreign governments of producer countries to undertake crop control programs, thereby reducing the production of illegal drugs at the source. For example, our experience at the street level subsequent to Turkey's 1972 poppy ban and Mexico's 1975 poppy eradication programs at the source of the product had a dramatic impact on the purity percentage and ready availability of heroin in our communities. We must be able to seize assets derived from drug trafficking, develop better intelligence activities soliciting support from the governments of producer countries. We must work diligently toward the highest possible rate of conviction of drug traffickers and the ultimate destruction of their criminal organizations.

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Mr. FAUNTROY. Thank you so very much, Chief Turner, for a very thorough and revealing bit of testimony here this morning.

In paragraph 1 of your statement, you give some shocking statistics regarding the number of addicts in the District of Columbia, and the number of drug-related deaths. I am just amazed that as short a while ago as 1978 we had only 7 deaths and yet you report that last year, 140, and 42 deaths thus far this year?

Chief TURNER. Forty-two so far this year, sir.

Mr. FAUNTROY. That is simply amazing.

You mentioned these street market places that are cropping up all over the city, and that against the background that we know a lot of the distribution occurs in the District of Columbia, while admittedly, most of the manufacturing and packaging, and cutting, of these drugs occur in the suburbs.

Where are these street markets located, and what are they selling?

Chief TURNER. Mr. Chairman, I have a list. I wouldn't want to publicly comment, but I will furnish it for the record. There are 40-some odd locations in the District of Columbia that we have targeted for the sale of PCP and cannibis, to heroin and cocaine. It is broken down by districts, and I will gladly make this available for the record.

[The above information is maintained in committee files.]

Mr. FAUNTROY. Excellent, Chief Turner. We appreciate that kind of information, and we will keep it in confidence as we know it must be important to you for your enforcement efforts.

You mentioned also the fact that there is diversion by licensed practitioners of legitimate pharmaceutical drugs. You mean that we have pharmacists who are selling medication as drugs?

Chief **TURNER**. That's correct, Mr. Chairman. We entered into an agreement with the local efforts, and I will let Captain Nestor speak on that—but we have seven officers that their primary duties, or full-time duties, are the investigation of those type activities.

Mr. **FAUNTROY**. Physicians as well?

Chief **TURNER**. Yes.

Captain **NESTOR**. We have a special diversion investigative unit that is responsible for investigating a diversion of legal drugs into the illegal market, which includes pharmacies, doctors, hospitals, any place that is licensed to have these legal drugs. When the unit started about 7 years ago, the problem was considerably, and that was usually geared on the availability of dilaudid and preludin. Since that time, those two drugs, their availability on the street, has gone down every year since, through the efforts of this unit in cracking down on doctors writing inappropriate scripts.

Inspector **COLIGAN**. Mr. Chairman, I might add—I would like to take it out of context. In the District of Columbia, there are over some 5,000 licensed registrants who have the capability to either prescribe, dispense, handle these controlled substances. Only a very, very small percentage of these licensed practitioners are involved in the diversion of these illicit drugs. However, it only takes a very few people—one doctor can really flood the streets with preludin or dilaudid if he has a working organization, including a pharmacist.

An example, we took down just recently a case involving three individuals who were making about $5,000 at the street level simply because of either the corruption or the carelessness of prescribing prescriptions for controlled substances. And this case involved some 37 doctors throughout Maryland, Virginia, and the District of Columbia.

Mr. **GILMAN**. Will the gentleman yield?

Mr. **FAUNTROY**. Yes, I would be happy to yield to the gentleman.

Mr. **GILMAN**. How many pharmacists are involved in this illegal activity?

Inspector **COLIGAN**. In the District of Columbia, we have 91 pharmacies plus 71 pharmacies which are part of a chain—chain pharmacies.

Mr. **GILMAN**. These are the number that are involved in illicit drugs?

Inspector **COLIGAN**. These are the numbers that are available for license. Out of these 162 pharmacies, there are very, very few who will then fill prescriptions that the pharmacists may know is not a legal prescription. But it only takes one. The most recent one, about a year or ago up on Rhode Island NE., which was a large supplier of legitimate drugs until this point.

Mr. **GILMAN**. Is there any estimated number of how many are involved in illicit activity of the pharmacies?

Chief **TURNER**. We will furnish that later for the record.

[The information follows:]

[A total of one was phoned in by the department.]

Mr. **GILMAN**. Do you know the number of physicians?

Chief **TURNER**. He has it here.

Captain NESTOR. In 1984, they arrested one pharmacist, one physician, and seven registered nurses for diversion.

Mr. GILMAN. Thank you.

Mr. FAUNTROY. We thank you.

Chief, you also mentioned the amazing phenomenon in the increase in PCP sales in the District of Columbia and that it has become the drug of choice for more younger persons. I wonder if you would care to expand upon the damage that is done by PCP to those who use it?

Chief TURNER. Yes, sir, Mr Chairman.

For some unexplained reason, PCP came on the scene, I guess 3 or 4 years ago. We started experiencing it on the street level as police officers became involved in contacts with citizens, mostly school-age individuals and young adults. The confrontations that we have had have been very violent. In fact, we had to resort to the use of force in one particular instance where a young man, a youth of this city, died as a result of a struggle with the police department while he was under the influence of PCP.

There are many, many bad encounters that the police department respond to on a daily basis attempting to apprehend, or attempting to hospitalize individuals who are high on PCP.

The inspector or the captain probably are more active in the investigation, can relate more on PCP and what we are doing with that.

Captain NESTOR. Like the chief said, the main problem is the violence connected with the PCP. And the large increase that we have had lately in reference to the interstate transportation of it, we have found in investigating, that now a lot of our PCP is actually coming from southern California, where it used to be most of our PCP came from the suburbs of Maryland and Virginia. Now they have found it just as cheap to travel all the way to southern California and bring it back.

Last month we arrested one subject getting off of Amtrak with a gallon of liquid PCP. The word out is that this is the way it is being done now.

Mr. FAUNTROY. What is the street value of a gallon, roughly?

Chief TURNER. Mr. Chairman, let me just add that investigation has revealed that PCP can be purchased in southern California for $200 an ounce. Because of the supply and demand in this metropolitan area, it is now selling for $600 an ounce here. So rather than manufacture it here, people are going to California and bringing it back here and selling it here.

Prior to that time, though, most of the PCP was manufactured locally. With the assistance of the Drug Enforcement Agency and the cooperation of the task force, they were able to take down a lot of the manufacturers, and that's when the supply moved to southern California.

Mr. FAUNTROY. To what extent are citizens generally aware of the brain damage done by PCP?

Inspector COLIGAN. Sir, the abusers of PCP are aware of the damages that it can cause, like the heroin addict, cocaine user. For some reason, in talking to them, they just don't believe it can happen to them. They are willing to take the risk for the mood change they receive by injecting these drugs.

Mr. FAUNTROY. Gentlemen, in testimony given by the chiefs of police and representatives from Fairfax, Montgomery, and Prince Georges Counties, questions were raised about the relationship between their departments and the Federal Drug Task Force.

For the record, I wonder if you would give us your opinion of this relationship and its effectiveness in combating drug trafficking. What are its strengths, what are its weaknesses, and what can be done to improve it?

Chief TURNER. Mr. Chairman, let me say that we have excellent working relationship with the DEA and the Federal authorities in this area. We get total assistance in our efforts to combat the drug problem that is currently occurring in the city.

I would say that because of the efforts of the task force between metropolitan and DEA, that we have taken down many a drug dealer that has been operating in this city and has been operating in the metropolitan area. The local lab for DEA, they do all of our analysis. In fact, we are told that 73 percent of the work that is done in that DEA lab is metropolitan police department work. So they are doing the bulk of our analysis there at that lab, and we have many successes working with DEA. I think there are some very good efforts between metropolitan and the Federal authorities, and not only the DEA, the Bureau and all of the other agencies of Federal entities along those lines.

There is one weak link that I see. The weak link is that as drugs affect the metropolitan area, the commitment that they have to the narcotic or heroin task force, they don't have the ability or the manpower to sustain investigations for long periods of times, or drug enforcement for long periods of time. We have had a working task force of 17 officers assigned full time that work with DEA agents, and some of the other locales can't sustain the loss of manpower for that period of time.

Mr. DYMALLY [presiding]. Thank you.

Mr. Parris?

Mr. PARRIS. Thank you, Mr. Chairman.

I apologize to you, Chief Turner, Paul Volcker is testifying before the Banking Committee and I had to slip over there for just a moment.

I want to congratulate you for your statement. I think it is an excellent statement. There are some very sobering facts. I was struck by your comments that there are 15,000 heroin addicts in the District of Columbia, and each of them, each year, spend $200,000 apiece to support their habit. That's incredible. I am sure it is close to being a statement of facts.

Chief TURNER. I think it is a statement of fact, and I just say that's the cause of the crime problem that's reoccurring.

Mr. PARRIS. That's my question, Chief, most of that $200,000 is through criminal activity, isn't it?

Chief TURNER. That is correct, sir—through burglaries, through larcenies, through robberies.

Mr. PARRIS. So it is not an overstatement to say that the increase in the epidemic of drugs is clearly thriving and causing the increase in criminal activity that we see in some areas in some form of crime, is that correct?

Chief TURNER. That would be my observation, Mr. Parris.

Mr. PARRIS. Thank you.

Just a couple of specific questions, Chief.

You say on page 6, you make the observation that nearly all of the local major narcotic violators who supply drugs, which are sold at street level in the District of Columbia, reside outside the District of Columbia.

Does that infer that they reside in part in the northern Virginia suburbs or the Maryland suburbs, or whatever?

Chief TURNER. Most of our major dealers that we are pursuing or investigating at this time live outside of the District of Columbia. We have some that do reside in the District of Columbia, but by far and large, most of them reside in the suburbs.

Mr. PARRIS. That's really my question, Chief. Do they reside in Cleveland or California? The word all—some, I can understand.

Chief TURNER. We would say 90 percent of them live in the local metropolitan area—Prince Georges, Montgomery County.

Mr. PARRIS. OK. Assuming that's correct, and I assume it is, even exacerbates the necessity for you all to cooperate with the local jurisdictions.

Chief TURNER. One of the things that I have tried to force, Mr. Parris, is I am the chairman of the Police Chiefs Steering Committee for the Council of Governments, and I have tried to force that dialog. We have people at a working level who are officers but they can't make policy changes. They can't make those changes that would force us to these long-term commitment to do something collectively together where we all sit down and exercise what we were going to do. And I don't think that's occurring right now. And I have been trying to force some of that.

You know, when you are dealing with interagency and interjurisdiction, it is hard to force those working agreements, but it is something that we are going to have to come to.

Mr. PARRIS. I wish you well in that endeavor.

Mr. Nestor, I just want to pursue just for a moment, you talked about the man that got off Amtrak with a gallon of PCP in his suitcase. How did you know he had it?

Captain NESTOR. We were tipped off by somebody.

Mr. PARRIS. That's what I will assume. Am I correct in my impressions—and we have had some testimony before the Select Committee on Narcotics—that most of your successful enforcement and apprehension comes through that method. Is that an accurate statement?

Captain NESTOR. Either the apprehension or the investigation that starts and leads to the apprehension comes from information received.

Mr. PARRIS. Maybe this is oversimplified, but how many million people, or a thousand people, or whatever, get off of Amtrak? Every one of them could have a gallon of PCP in their suitcase, or in their purses, right? You obviously can't have a drug dog or an x-ray machine, or whatever it would take to identify a substance, to search every suitcase or every passenger and every public conveyance in the country. I guess my frustrations are beginning to show here in terms of, if you don't have somebody tipping you off on the other end, how can you possibly control this?

Captain **Nestor**. It is very difficult. Most of our success at the train and plane stations does come from the dogs checking the luggage itself rather than the passengers. In this particular case, he just happened to be carrying it and we knew what we were looking for.

Mr. **Parris**. One last question, Mr. Chairman.

Mr. **Dymally**. Of course, yes.

Mr. **Parris**. Do you all have access to the Customs dog training facility out near Front Royal in Virginia?

Chief **Turner**. We train our own dogs.

Mr. **Parris**. Oh, do you?

Chief **Turner**. Yes, sir.

Mr. **Parris**. Do you have a cooperative arrangement with any kind of a Customs Department in that regard?

Chief **Turner**. We train their dogs, the Metropolitan Police Department trains their dogs.

Mr. **Parris**. You do?

Chief **Turner**. Yes, sir.

Mr. **Parris**. What do they do at the facility out there, then?

Chief **Turner**. I can't answer that, sir. [Laughter.]

Mr. **Parris**. Then I will ask the man who can.

Thank you very much, Mr. Chairman.

Mr. **Dymally**. Mr. Rangel?

Mr. **Rangel**. No, thank you.

Mr. **Dymally**. Mr. Gilman?

Mr. **Gilman**. Thank you, Mr. Chairman.

Chief, as the chief enforcement officer of the metropolitan area, do the Feds get in touch with you to ask you your input on the strategy planning and any Federal planning, not only for this region, but for the national region? Have you had an opportunity to make some input in some national planning?

Chief **Turner**. I would say yes. Again, I think the level of cooperation between Federal and the District of Columbia is excellent. There is always room for improvement, so that there could be some enhancements. But we have daily task force, we have liaison with the U.S. attorney's office, we have liaison with the Bureau, we have liaison with Customs, and we have liaison with DEA.

We lean very heavily on the Federal entities to assist us, and we have been getting that assistance.

Mr. **Gilman**. That's good to hear. Now, that's with the day-to-day operation.

Now, what I am asking is, have you had an opportunity to sit in on any planning group, do you look over national strategy, regional strategy, some long-range programming of how we best attack the problem?

You give a number of good recommendations here and I am just wondering if you ever have an opportunity to sit and make those recommendations with any of the national planners?

Chief **Turner**. We have sat in on a regional basis and made these recommendations. In fact, the Federal entities attend the Council of Governments' monthly meeting, and we have discussed these things several times and several strategies that we have had.

I have never been privy to discuss national—had any input on a national level. I have had the opportunity to testify before Mr.

Rangel's committee before and some of my observations have been imparted there.

Mr. GILMAN. Besides the COG outfit, and besides the select committee here, you haven't really had input into any national—or opportunity to make some suggestions, is that correct?

Chief TURNER. No, I have not.

Mr. GILMAN. Were you here when they had the first panel on?

Chief TURNER. Yes, sir, I was.

Mr. GILMAN. They talked about a possible low-level task force of all the agencies working together. Do you think that could come about to have some working regional task force where all the communities would be represented, and also have some funding from the local municipalities so that you would have one regional task force self-funded and self-controlled, not being competitive on any State or Federal agency, that would attack the problem? Do you think that could be brought about?

Chief TURNER. I think it very possible. I think we stand committed to do something in that endeavor. I think what I have found since I have been chief of police, that priorities change as you get new chiefs of police, or as you involve other jurisdictions.

My priorities might not be the same priorities as the chief of Fairfax, or the chief of Prince Georges, or the chief of Montgomery County. And one chief makes a commitment for that manpower for a long-range period, and you get a new chief of police and he changes those priorities. So I think that's where some of the rub comes in. With my commitment with DEA and with some of the Federal entities has been there, those commitments were made prior to my becoming chief of police and they are still sustaining themselves. We found that when we had the task force originally proposed, that we had the commitment from all the other jurisdictions. But as contemporary problems cropped up, they began to withdraw their manpower.

Mr. GILMAN. In your opinion, is narcotics a prime No. 1 priority?

Chief TURNER. I think drugs are eroding the quality of life more than anything else that I know of. I think it is ruining a generation of young Americans. In my opinion, yes, sir.

Mr. GILMAN. I would assume it was of the prior panel from the way they testified. I would hope that you would help and work with them and try to explore this kind of a task force so that there would be an entity out there that in the event the Rangel-Gilman, whatever measure it is, hope to get some funding available, could get into such a locally funded and locally operated task force, I think could be very effective, and I hope you might want to take a look at that.

Chief TURNER. We are attempting to pursue that through the Council of Governments. Prior efforts and other endeavors have, I guess, very vividly taught me that you have got to go through the legislator in Richmond, you have got to go through the legislator in Annapolis, and try to tie all of these things into coordinating—we just have problems coordinating. We have such a working agreement with our print tracks. We, through the data processing system computers, we have put all of our fingerprints of the criminal history of all of our people that we have arrested. And right now we have a northern Virginia, District of Columbia, and Prince

Georges and Montgomery County network. So anybody can go in and query the system off of prints like that, and we need to develop the same thing for the narcotics.

Mr. GILMAN. I am sure that a lot of other areas in working together can be a lot more effective with limited resources that you have.

How many of your people in the field are devoted to narcotic enforcement?

Chief TURNER. 281.

Mr. GILMAN. All are full narcotic enforcement?

Chief TURNER. Yes, sir.

Mr. GILMAN. And what is your total population?

Chief TURNER. We have 3,880 police officers.

Mr. GILMAN. And the total municipal population is what?

Chief TURNER. Around 635,000 people in the District of Columbia last census.

Mr. GILMAN. And your 281 officers are full-time narcotic officers?

Chief TURNER. That's correct, sir.

Mr. GILMAN. I have been reading some of the articles that appear lately saying that Washington has become a center of heroin trade and how the population shifts from place to place as you bear down on that, and that the major traffickers are pretty much insulated.

Have you been able to get to any of the major traffickers over the past year or two?

Chief TURNER. We have had some success with major traffickers, yes, sir, we have. It is very tedious and it is very complicated and very complex to work these type cases because most of them are involved in some type of RICO statute, most of them involved in a followup by the IRS in seizures and assets, and it is very time-consuming.

If some of that system could be eliminated—and I am not an expert along those lines, certainly the prosecutor would be more familiar with that than I am—that it would eliminate some of the obstacles that we have to go through to investigate some of the kingpins.

We take the approach here in the Metropolitan Police Department that we are going to attack all levels—street level is our most vivid level, so we attack street levels. But we also try to and attempt to attack those major dealers. As was testified here earlier, they certainly have the capabilities to insulate themselves, they are entrepreneurs, it is very profitable, and sometimes they don't come in touch with the gloves. But we are beginning to see where people accumulate large sums of money and it is awfully hard to launder those large sums of money to get it to use from illegal sources into something that is legal.

But I guess through monitoring devices like that we will be able to identify more individuals along those lines. But we attempt to investigate all of the major traffickers that we can.

Mr. GILMAN. How many major traffickers have you been able to get over the last 3 years?

Captain NESTOR. Over the last 3 years, major, about four.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. DYMALLY. Mr. Rangel.

Mr. **Rangel**. Chief, you were testifying earlier to Mr. Gilman's question about the cooperation that you received from the Federal Government, that means the Department of Justice, the FBI, and the Drug Enforcement Administration. You view this as a partnership with the best that we have got in the Nation from your testimony. And I was just wondering, how did that square with the statement attributed to you in the newspaper, the Washington Post, where it says the heroin traffic in the Capital is distinctive not only for its volume, but also for its openness. The D.C. Police have identified 20 locations throughout the city where heroin was bought and sold openly on the streets, that 4 major 24-hours-a-day markets serve as virtually convenience stores for the city's estimated 12,500 addicts.

If both of these statements are true, the situation is worse than we would think. Not only do we have a great, outstanding police department, but if that police department is in partnership with the Drug Enforcement Administration, the FBI, and this exists, how does it square?

Chief **Turner**. Mr. Rangel, I share your observation. It is very frustrating to me as chief of police, in a 2-year period, making in excess of 16,000 arrests of drug violation, you would think that would have some impact on the drug problem. But it does not have the impact. So what that vividly points out to me is, arrest is not the solution. There has to be other things besides arrests to solve our drug problem. In the last 2 years, we have averaged over 8,000 arrests a year. And when you make 8,000 arrests for a specific crime, I would believe that it would have some impact, but it doesn't have any impact.

I don't know the easy answers.

Mr. **Rangel**. When you get together with the Federal officials and you say, look, this is the Nation's Capital, we have got 20 areas designated that are openly selling the drugs, and 16,000 arrests, and the more I arrest, the more get back on the street, and that this is a question of national security, and certainly the whole world, indeed, the Nation is focusing in on our Capital. It is probably, as you pointed out, those people that are in jail—when you talk about the cooperation, don't you talk about the strategy in which to deal with it, or are we basically saying that it is just a certain amount of trafficking that we are going to have to tolerate, as sometimes in other cities they do in prostitution, and say that as long as it is done in certain restricted areas, that you don't come into contact with the ordinary citizens, that we are going to have to just learn to live with it?

Chief **Turner**. I certainly, as chief of police, would never say that, that we would have to tolerate it. I think the efforts of the police department, along with the efforts of the prosecutor, the U.S. attorney, Mr. diGenova, the jail population rose here dramatically. It went from somewhere around 1,300 daily population at the D.C. Jail to an excess of 2,600, so much so that we were being monitored by the courts because of the number of people in our prison population.

I think the numbers of people in the prison population has grown tremendously over the last 3 years. And the number of people that are going to jail, and there are still people out there on the street.

Mr. **Rangel**. I know the police sometimes arrest, the DA doesn't take the case, or the DA doesn't take the case because the judge won't take it. The judge won't send them to jail because they are too cramped, there is no space in jail. All I am saying that the problems that you have testified to, the problems that I have lived with the last couple of decades in the city of New York, I know what you are facing. But the question basically is that knowing that you are faced with it, when you meet with the Federal Government, what do you talk about in terms of doing something about it?

I notice that the Mayor has said forget it, because we are going to have to deal with foreign countries that produce the poppies for the drug dealers goes on—talking about how pessimistic he is about being successful in the heroin battle.

But there are so many people out there that are now talking about legalization, there's nothing that can be done, if they want it, give it to them, and have the Federal Government subsidize, and let's move on to other problems. I don't share it, and you don't share that view. But if, indeed, you have centers that operate on a 24-hour-a-day schedule, if, indeed, on any given day you have 15 or 20 centers where drug sales and drug trafficking operate openly on the street—as I told Ben Gilman, there are areas in the city of New York where they traffic it. But we have a very effective cleanup—that means effective in moving them from one area of the city to another area of the city, and then we have the U.S. attorney come in, and he will even prosecute them. So we know what efforts are being made.

But I am just asking you now as a professional law enforcement official who happens to be a person who loves the District of Columbia, and some of them that could help us with some of the answers that when you sit with these people, what is it that you would ask them to do if they were willing to do it?

Chief **Turner**. I don't know an easy answer, Mr. Rangel. You know, I certainly sit with the U.S. attorney, I certainly sit with my counterpart from DEA, and we try to strategize enforcement efforts for the drug problems that we are having in this city. As of to date, our best efforts have not been able to eradicate that problem. We have arrested quite a few people; 70 percent of the indictments that are coming down in court now are drugs.

Mr. **Rangel**. Do you support legalizing it and having these sentences being restricted?

Chief **Turner**. No, sir.

Mr. **Rangel**. I think, Mr. Chairman, that in addition to our efforts in drug-producing countries, that it is going to be very important that the police chiefs and the police in the major cities that are being affected by this, come together in a conference and inviting some people in to discuss this problem. We believe there is a way and we just have to find a coordinated way.

Thank you, Mr. Chairman.

Mr. **Dymally**. Thank you.

Chief, minority counsel would like to ask a couple of questions.

Ms. **MESSALLE**. Yes; it seems to me that a unified strategy and what we are talking about here, and that such a strategy in the cities would need to focus on what I count as approximately seven overlapping agencies dealing with responsibility for arresting, prosecuting, punishing, treating, and providing some kind of surveillance both to addicts as well as traffickers.

I am wondering if this city or representatives of these agencies ever meet to coordinate and develop some kind of strategy.

Chief **TURNER**. I will let the captain answer that. He is my liaison in all of these committees and he can tell you how often they meet and some of the strategies that they discuss.

Captain **NESTOR**. There is a meeting of the Mayor's Advisory Committee on Substance Abuse held once a month where these problems—these agencies, as you mentioned, do meet, in trying to work out these problems of working together from enforcement, education, treatment, and prevention.

Ms. **MESSALLE**. Is that the Mayor's Advisory Committee on Drug Abuse?

Captain **NESTOR**. Yes.

Ms. **MESSALLE**. That's the only coordinating committee?

Captain **NESTOR**. That's the only committee I sit on.

Ms. **MESSALLE**. I am talking about representatives of the specific agencies, for example, Dr. Mitchell, director of——

Captain **NESTOR**. Yes, they are all on this committee.

Ms. **MESSALLE**. All right, thank you.

I have one more question, Chief Turner, and it might be best if you answer this in writing and submit it for the record.

I understand that in the early 1970's there was a similar heroin epidemic in this city and that there was a very successful effort that involved arrest and mandatory treatment, and that effort put the city ahead in the country in terms of attacking drug treatment.

I would like to know a little more history about that effort and whether or not it could be duplicated. Basically, I would like to know if we could do it again.

Chief **TURNER**. Let me say that in the late 1960's and the early 1970's, we were experiencing drug overdose deaths similar to what we are experiencing now, which indicated that there was a high level of heroin abuse in the city. I think at that time they had the Turkey eradication—the drugs just dried up from coming in the city, which was an indicator to us that if you could stop it at the point of origin, it wasn't getting here. And when we dried up the drugs that were coming in from Turkey, then we started getting drugs that were coming in from Mexico. And those were the two instances that I know that you are speaking about where the drugs dried up and the abusers went down.

But we will submit something in writing to you for the record.

[The information follows:]

CHAPTER 6. REHABILITATION OF USERS OF NARCOTICS.

Sec.
24-601. Purpose.
24-602. Definitions.
24-603. Order of examination.
24-604. Right to counsel.
24-605. Examinations by physicians.
24-606. When hearing is required.
24-607. Hearing.
24-608. Confinement of patient.
24-609. Release of patient.
24-610. Periodic examination of released patients.
Sec.
24-611. Patient not deemed a criminal.
24-612. [Omitted].
24-613. Care and treatment of drug users; authority of Surgeon General.
24-614. Admittance into Public Health Service hospitals; narcotics users from District.
24-615. Release of patients.

§ 24-601. Purpose.

The purpose of §§ 24-601 to 24-611 is to protect the health and safety of the people of the District of Columbia from the menace of drug addiction and to afford an opportunity to the drug user for rehabilitation. The Congress intends that federal criminal laws shall be enforced against drug users as well as other persons, and §§ 24-601 to 24-611 shall not be used to substitute treatment for punishment in cases of crime committed by drug users. (June 24, 1953, 67 Stat. 77, ch. 149, § 2; July 24, 1956, 70 Stat. 609, ch. 676, title I, § 101; 1973 Ed., § 24-601.)

Section references. — This section is referred to in §§ 1-2702, 2-2007, 11-921, 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614 and 33-517.

This chapter is not a criminal statute. In re Whisaker, 134 F. Supp. 864 (D.D.C. 1955).

Government may prosecute criminal offense under federal statute. — The provision of this section that this chapter shall not be used to substitute treatment for punishment in cases of crime committed by drug users means that, when the government is able successfully to prosecute any drug user for a criminal offense under any federal statute, it may do so. United States v. Moore, 486 F.2d 1139 (D.C. Cir.), cert. denied, 414 U.S. 980, 94 S. Ct. 298, 38 L. Ed. 2d 224 (1973).

Congress intended to include juveniles within operation of this chapter. In re Whisaker, 134 F. Supp. 864 (D.D.C. 1955).

Cited in Williams v. United States, App. D.C., 421 A.2d 19 (1980).

§ 24-602. Definitions.

For the purpose of §§ 24-601 to 24-611:

(1) The term "drug user" means any person, including a person under 18 years of age, notwithstanding the provisions of Chapter 23 of Title 16, who uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

(2) The term "narcotic drugs" shall have the same meaning as that given to such term by § 4731 of the Internal Revenue Code of 1954.

(3) The term "patient" means any person ordered to appear before the Mayor, pursuant to the provisions of § 24-603.

(4) The term "Mayor" means the Mayor of the District of Columbia, sitting as a Board, or his designated agent or agents. (June 24, 1953, 67 Stat. 77, ch. 149, § 3; July 24, 1956, 70 Stat. 609, ch. 676, title I, § 101; July 29, 1970, 84 Stat. 590, Pub. L. 91-358, title I, § 170; 1973 Ed., § 24-602.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-604, 24-607, 24-609 to 24-611, 24-614 and 33-517.

Reference in text. — Section 4731 of the Internal Revenue Code of 1954, referred to in subsection (b) of this section, was repealed by 84 Stat. 1292, Pub. L. 91-513, § 1101(b)(3)(A).

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Congress intended to include juveniles within operation of this chapter. In re Whisaker, 134 F. Supp. 864 (D.D.C. 1955).

Defendant an addict although drug use did not impair free will. — A defendant who had used heroin for about 15 years, who ordinarily took 3 or 4 shots a day and whose usual dose was 3 or 4 capsules, who did not steal to obtain money to buy narcotics, and who did not suffer any serious withdrawal symptoms when committed to hospital after his arrest, was an "addict" within meaning of this chapter even though he had not gone so far in his drug habits as to lack free will. Wheeler v. United States, App. D.C., 276 A.2d 722 (1971).

Addiction as defense in criminal prosecution. — A decision permitting a defendant charged with possession of narcotics and narcotics paraphernalia to raise the affirmative defense that he lacked capacity to refrain from using narcotics by reason of drug addiction cannot be rested on trial court record which does not disclose basis for expert witness' conclusion that defendant had an overwhelming psychological compulsion to use heroin and there was no showing of whether finding of addiction related to criminal responsibility or only to habitual use. Franklin v. United States, App. D.C., 339 A.2d 398 (1975).

§ 24-603. Order of examination.

(a) Whenever the Mayor has probable cause to believe that any person within the District of Columbia, other than a person referred to in subsection (b) of this section, is a drug user, he forthwith shall order any law enforcement officer of the District of Columbia to bring that person before him, to conduct a preliminary examination, and if he finds sufficient evidence of addiction, as hereinbefore defined, he shall cause that person to be placed in an institution to be designated by him for an examination by physicians pursuant to § 24-605.

(b) The Mayor shall not order any person brought before him if the said person is charged with a criminal offense, whether by indictment, information, or otherwise, or if the said person is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal. (June 24, 1953, 67 Stat. 77, ch. 149, § 4; July 24, 1956, 70 Stat. 609, ch. 676, title I, § 101; 1973 Ed., § 24-603.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-605, 24-607, 24-609 to 24-611, 24-614 and 33-517.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia

Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-604. Right to counsel.

(a) A patient shall have the right to the assistance of counsel at every stage of the judicial proceeding under §§ 24-601 to 24-611, and the court shall assign counsel to represent him if the patient is unable to obtain counsel.

(b) The counsel for a patient may inspect the reports of the examination made pursuant to the authority contained in § 24-605. No such report and no evidence resulting from such personal examination or evidence offered by the patient shall be admissible against him in any judicial proceeding except a proceeding under §§ 24-601 to 24-611.

(c) The patient may, prior to the examination made pursuant to the provisions of § 24-605 or prior to the hearing provided for by § 24-607, waive his rights to an examination, to counsel, or to such hearing, and voluntarily submit himself to commitment pursuant to the provisions of §§ 24-601 to 24-611. (June 24, 1953, 67 Stat. 78, ch. 149, § 7; July 24, 1956, 70 Stat. 610, ch. 676, title I, § 101; 1973 Ed., § 24-604.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-607, 24-609 to 24-611, 24-614 and 33-517.

§ 24-605. Examinations by physicians.

(a) Whenever the Mayor orders a patient into an institution pursuant to the provisions of § 24-603, he shall immediately appoint 2 qualified physicians, 1 of whom shall be a psychiatrist, to examine the said patient, and within 5 days after such appointment, each physician shall file with the United States Attorney for the District of Columbia, a written report of such examination, which shall include a statement of his conclusion as to whether the patient is a drug user.

(b) The United States Attorney for the District of Columbia shall review the facts and circumstances of each case submitted to him and present by petition those in which he feels justification exists in the public interest to the Superior Court of the District of Columbia for determination and disposition, or dismiss the patient from custody. A copy of such petition shall be served on the patient in open court, at which time the court shall set a hearing date and advise the patient of his right to counsel and his right to demand within 5 days a trial by jury. (June 24, 1953, 67 Stat. 78, ch. 149, § 5; July 24, 1956, 70 Stat. 610, ch. 676, title I, § 101; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(31); 1973 Ed., § 24-605.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601 to 24-604, 24-606, 24-607, 24-609 to 24-611, 24-614 and 33-517.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts

Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-606. When hearing is required.

If, in a report filed pursuant to § 24-605, either of the examining physicians states that the patient is a drug user, or that he is unable to reach any conclusion by reason of the refusal of the patient to submit to thorough examination, the Court shall conduct a hearing upon petition of the United States Attorney in the manner provided in § 24-607. (June 24, 1953, 67 Stat. 78, ch. 149, § 6; July 24, 1956, 70 Stat. 610, ch. 676, title I, § 101; 1973 Ed., § 24-606.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614 and 33-517.

§ 24-607. Hearing.

(a) Upon the evidence introduced at a hearing held for that purpose the court shall determine whether the patient is a drug user. The hearing shall be conducted without a jury unless, before such hearing and within 5 days after the date on which the petition is filed pursuant to § 24-605, a jury is demanded by the patient or by the United States Attorney for the District of Columbia. Each patient concerning whom a report is filed shall be detained at such place as the Mayor may designate until the completion of such hearing or until released as provided in § 24-605 (b).

(b) The rules of evidence applicable in civil judicial proceedings shall be applicable to hearings pursuant to this section, including the right of the patient to present evidence in his own behalf and to subpoena and cross-examine witnesses. However, no patient examined pursuant to the provisions of §§ 24-601 to 24-611, shall be permitted at any hearing order pursuant to this section to object to the submission of testimony concerning such examination on the ground of privilege. (June 24, 1953, 67 Stat. 78, ch. 149, § 8; July 24, 1956, 70 Stat. 610, ch. 676, title I, § 101; 1973 Ed., § 24-607.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-606, 24-609 to 24-611, 24-614 and 33-517.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-608. Confinement of patient.

If the court finds the patient to be a drug user, it may commit him to a hospital designated by the patient or the Mayor and approved by the court, to be confined there for rehabilitation until released in accordance with § 24-609. In the event a patient elects to designate a hospital to which he wishes to be committed, he shall be required to satisfy the court that such hospital has medical, rehabilitation, and security facilities comparable to the institutions designated by the Mayor and, in addition, the cost of such hospitalization shall be borne by the patient. The head of the hospital shall submit written reports within such periods as the court may direct, but no longer than 6 months after the commitment and for successive intervals of time thereafter, and state reasons why the patient has not been released. (June 24, 1953, 67 Stat. 79, ch. 149, § 9; July 24, 1956, 70 Stat. 611, ch. 676, title I, § 101; 1973 Ed., § 24-608.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-607, 24-608 to 24-611, 24-614 and 33-517.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-609. Release of patient.

(a) When the head of the hospital to which the patient is committed finds that the patient appears to be no longer in need of confinement for treatment purposes, or has received maximum benefits, he shall give notice to the judge of the committing court, and said patient shall be delivered to the said court for such further action as the court may deem necessary and proper under the provisions of §§ 24-601 to 24-611.

(b) The court, upon petition of the patient after confinement for 1 year, shall inquire into the refusal or failure of the head of the hospital to release him. If the court finds that the patient is no longer in need of care, treatment, guidance, or rehabilitation, or has received maximum benefits, it shall order the patient released, in accordance with the provisions of § 24-610. (June 24, 1953, 67 Stat. 79, ch. 149, § 10; July 24, 1956, 70 Stat. 611, ch. 676, title I, § 101; 1973 Ed., § 24-609.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-607, 24-608, 24-610, 24-611, 24-614 and 33-517.

§ 24-610. Periodic examination of released patients.

(a) For 2 years after his release, the patient shall report to the Mayor at such times and places as required, for a physical examination to determine whether the patient has again become a drug user. If the Mayor determines that the person examined is a drug user, he shall then order the patient into an institution in accordance with the provisions of §§ 24-601 to 24-611.

(b) Upon the failure of any patient to report in accordance with the provisions of subsection (a) of this section, the United States Attorney for the District of Columbia shall be notified of such failure, and a statement of such failure to report shall be filed with the court. The court shall issue an attachment for the patient and order him confined forthwith for examination and such further action as the court may deem necessary and proper under the provisions of §§ 24-601 to 24-611. (June 24, 1953, 67 Stat. 79, ch. 149, § 11; July 24, 1956, 70 Stat. 611, ch. 676, title I, § 101; 1973 Ed., § 24-610.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-607, 24-609 to 24-611, 24-614 and 33-517.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-611. Patient not deemed a criminal.

The patient in any proceedings under §§ 24-601 to 24-611 shall not be deemed a criminal and the commitment of any such patient shall not be deemed a conviction. (June 24, 1953, 67 Stat. 79, ch. 149, § 12; July 24, 1956, 70 Stat. 612, ch. 676, title I, § 101; 1973 Ed., § 24-611.)

Section references. — This section is referred to in §§ 1-2702, 11-921, 24-601, 24-602, 24-604, 24-607, 24-609, 24-610, 24-614 and 33-517.

This chapter is not a criminal statute. In re Whisaker, 134 F. Supp. 864 (D.D.C. 1955).

§ 24-612. Patient not deemed a criminal.

Omitted.

§ 24-613. Care and treatment of drug users; authority of Surgeon General.

(a) The Surgeon General is authorized to provide for the confinement, care, protection, treatment, and discipline of persons addicted to the use of habit-forming narcotic drugs who are civilly committed to treatment or convicted of offenses against the United States and sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966, addicts who are committed to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act, addicts who voluntarily submit themselves for treatment, and addicts and other persons with drug abuse and drug dependence problems convicted of offenses against the United States and who are not sentenced to treatment under the Narcotic Addict Rehabilitation Act of 1966, including persons convicted by general courts-martial and consular courts. Such care and treatment shall be provided at hospitals of the Public Health Service especially equipped for the accommodation of such patients or elsewhere where authorized under other provisions of law, and shall be designed to rehabilitate such persons, to restore them to health, and, where necessary, to train them to be self-supporting and self-reliant; but nothing in this section or in §§ 257 to 261a of Title 42, United States Code, shall be construed to limit the authority of the Surgeon General under other provisions of law to provide for the conditional release of patients and for aftercare under supervision. In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility.

(b) Upon the admittance to, and departure from, a hospital of the Service of a person who voluntarily submitted himself for treatment pursuant to the provisions of this section, and who at the time of his admittance to such hospital was a resident of the District of Columbia, the Surgeon General shall furnish to the Mayor of the District of Columbia or his designated agent, the name, address, and such other pertinent information as may be useful in the rehabilitation to society of such person.

(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities. (July 1, 1944, 58 Stat. 698, ch. 373, title III, § 341; May 8, 1954, 68 Stat. 80, ch. 195, § 3; July 24, 1956, 70 Stat. 622, ch. 676, title III, § 302(a); Nov. 8, 1966, 80 Stat. 1449, Pub. L. 89-793, title VI, § 601; Oct. 27, 1970, 84 Stat. 1240, Pub. L. 91-513, title I, § 2(a)(1); Mar. 21, 1972, 86 Stat. 77, Pub. L. 92-255, § 402; 1973 Ed., § 24-613.)

Section reference. — This section is referred to in § 24-615.

References in text. — The Narcotic Rehabilitation Act of 1966, referred to in subsection (a) of this section, is codified in 18 U.S.C. §§ 4251 to 4255, 28 U.S.C. §§ 2901 to 2906, and 42 U.S.C. §§ 3411 to 3426, 3441.

The Federal Youth Corrections Act, referred to in subsection (a) of this section, is codified as Chapter 402 of Title 18 of the United States Code.

Change in government. — This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

Transfer of functions. — All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service were transferred to the Secretary of Health, Education, and Welfare by 1966 Reorganization Plan No. 3, 80 Stat. 1610. The functions of the Department of Health, Education, and Welfare were transferred to the Department of Health and Human Services by the Act of October 17, 1979, 93 Stat. 695, Pub. L. 96-88, § 509.

§ 24-614. Admittance into Public Health Service hospitals; narcotics users from District.

(a) The Surgeon General is authorized to admit for care and treatment in any hospital of the Public Health Service suitably equipped therefor, and thereafter to transfer between hospitals of the Service in accordance with § 248 (b) of Title 42, United States Code, any addict who is committed, under the provisions of §§ 24-601 to 24-611, to the Service or to a hospital thereof for care and treatment and who the Surgeon General determines is a proper subject for such care and treatment. No such addict shall be admitted unless:

(1) He is committed prior to July 1, 1958; and

(2) At the time of his commitment, the number of persons in hospitals of the Service who have been admitted pursuant to this subsection is less than 100; and

(3) Suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted.

(b) Any person admitted to a hospital of the Service pursuant to subsection (a) of this section shall be discharged therefrom: (1) Upon order of the Superior Court of the District of Columbia; or (2) when he is found by the Surgeon General to be cured and rehabilitated. When any such person is so discharged, the Surgeon General shall give notice thereof to the Superior Court of the District of Columbia and shall deliver such person to such court for such further action as such court may deem necessary and proper under the provisions of §§ 24-601 to 24-611.

(c) With respect to the detention, transfer, parole, or discharge of any person committed to a hospital of the Service in accordance with subsection (a) of this section, the Surgeon General and the officer in charge of the hospital, in addition to authority otherwise vested in them, shall have such authority as may be conferred upon them, respectively, by the order of the committing court.

(d) The cost of providing care and treatment for persons admitted to a hospital of the Service pursuant to subsection (a) of this section shall be a charge upon the District of Columbia and shall be paid by the District of Columbia to the Public Health Service, either in advance or otherwise, as may be determined by the Surgeon General. Such cost may be determined for each addict or on the basis of rates established for all or particular classes of patients, and shall include the cost of transportation to and from facilities or the Public Health Service. Moneys so paid to the Public Health Service shall be covered into the Treasury of the United States as miscellaneous receipts. Appropriations available for the care and treatment of addicts admitted to a hospital of the Service under this section shall be available, subject to regulations, for paying the cost of transportation to the District of Columbia, including subsistence allowance while traveling, for any such addict who is discharged. (July 1, 1944, ch. 373, title III, § 345; May 8, 1954, 68 Stat. 80, ch. 195, § 2; July 24, 1956, 70 Stat. 622, ch. 676, title III, § 302(c); July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(32); 1973 Ed., § 24-614.)

Section references. — This section is referred to in §§ 24-613 and 24-615.

Transfer of functions. — All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service were transferred to the Secretary of Health, Education, and Welfare by 1966 Reorganization Plan No. 3, 80 Stat. 1610. The functions of the Department of Health, Education, and Welfare were transferred to the Department of Health and Human Services by the Act of October 17, 1979, 93 Stat. 695, Pub. L. 96-88, § 509.

§ 24-615. Release of patients.

For purposes of §§ 24-613 to 24-615, an individual shall be deemed cured of his addiction, drug abuse, or drug dependence and rehabilitated if the Surgeon General determines that he has received the maximum benefits of treatment and care by the Service for his addiction, drug abuse, or drug dependence or if the Surgeon General determines that his further treatment and care for such purpose would be detrimental to the interests of the Service. (July 1, 1944, ch. 373, title III, § 347; May 8, 1954, 68 Stat. 81, ch. 195, § 4; Oct. 27, 1970, 84 Stat. 1240, Pub. L. 91-513, title I, § 2(a)(4); 1973 Ed., § 24-615.)

Transfer of functions. — All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service were transferred to the Secretary of Health, Education, and Welfare by 1966 Reorganization Plan No. 3, 80 Stat. 1610. The functions of the Department of Health, Education, and Welfare were transferred to the Department of Health and Human Services by the Act of October 17, 1979, 93 Stat. 695, Pub. L. 96-88, § 509.

Ms. MESSALLE. It was my understanding—I may be incorrect—that a part of this effort involved mandatory treatment that is part of the sentence. I would like to know if that was the case that the courts were using that more at that time, if it can be duplicated.

Chief TURNER. We will certainly research that for you and furnish it for the record.

Ms. MESSALLE. Thank you.

Mr. DYMALLY. Chief, Mr. Fauntroy has a couple more questions which he is asking to offer to you.

According to other testimony given here today, one of the most pressing problems affecting law enforcement in this area is the disparity in sentencing between Federal and superior courts. What is the overall effect of this disparity on law enforcement agents? And what do you feel this says to the drug trafficking community with respect to the District of Columbia?

Chief TURNER. Mr. Chairman, I have several observations about that. As I have indicated earlier, that we work a drug task force with DEA and Metropolitan Police officers, and most often than not, those drug sales are interjurisdictional—Virginia, Maryland, or the District of Columbia.

It is our observation, and we try to take people down in Maryland to take them to the Federal court in Maryland, because from our vantage point people receive stiffer sentences in the Federal court in Maryland more so than they do in the Federal court in the District of Columbia.

Also, it is my observation, that people receive stiffer sentences in superior court as opposed to the U.S. district court. And a case in mind, we locked three people up—3 kilos of cocaine—two of the people were arrested in Maryland and prosecuted in the Federal courthouse in Virginia. The leader of the operation was arrested in the District of Columbia with 2 kilos of cocaine and a handgun. He received a 5-year sentence for the drugs and 1-year suspended sentence for the gun violation in the district court. He was released on $50,000 bond and only stayed locked up for one night. He was on bond on appeal until he went to jail in 1984. And he was able to travel back and forth between Denver and the District of Columbia during the entire trial.

The other two individuals were arrested in Norfolk, VA, with 1 kilo of cocaine. They received a sentence of 23 years each and a $25,000 fine, 10 years for possession, and 13 years for conspiracy in the district court. They were locked up, and bond was set at $300,000, and they never got out. So these are some of the disparities that I am talking about.

Mr. DYMALLY. Chief, one final question. You may have responded to this question from Mr. Gilman, but it is worth repeating.

In testimony given by chiefs of police and representatives from Fairfax, Montgomery, and Prince Georges Counties, questions were raised as to the relationship between their departments and the Federal drug task force.

For the record, would you give us your opinion of this relationship and its effectiveness in combating drug trafficking? What are its strengths?

What are its weaknesses?

Can it work if given appropriate support from all jurisdictions?

Chief **Turner**. I can't speak for the other counties and the other jurisdictions.

I could say for the District of Columbia, we have had excellent cooperation with the Federal authorities. They work as teams. They are partners. Metropolitan police officers and DEA work together, and we have people out at the airport looking for people. And we have people up at the train station looking for people with profiles and things of that nature. But I think we have excellent cooperation.

You asked me some of the weaknesses—I think some of the weaknesses are not having a number from every jurisdiction as mandatory as a part of that team. If you don't have a man—if I am selling drugs and I want to sell them in District of Columbia today, Virginia tomorrow, or Prince Georges or Montgomery County, and I don't have—you lose continuity of what you are doing. And I think that is probably the biggest weakness in the system.

Mr. **Dymally**. Staff has a question, Chief.

Mr. **Willis**. Mr. Turner, going back to the courts, if I could, sir, and the second part of the question that was raised. What do you feel the disparity between the sentencing—what effect does that have, and what does it say to the drug trafficking community about what can happen within the District?

Chief **Turner**. I think it says get locked up in District of Columbia because it's lenient and you won't have to do as much time, you know, and there's a lot of profit in drugs. If you wanted to be an entrepreneur, sell drugs in the District as opposed to selling them in the suburbs because you are not going to do as much time.

Mr. **Willis**. What about the morale, sir?

Mr. **Dymally**. Morale in your police force.

Chief **Turner**. The morale in my police force?

Mr. **Willis**. Yes.

Chief **Turner**. I think the morale in my police force is high.

Mr. **Dymally**. We reference this particular disparity.

Mr. **Willis**. What does it say to your officers, how does it affect them?

Chief **Turner**. Obviously, officers are teed off.

Mr. **Dymally**. To put it lightly.

Mr. **Willis**. You are talking about the streets, now.

Chief **Turner**. That's right.

But, you know, if they lock somebody up for a crime, and the individual beats them back out on the street, you know, certainly, it tees them off.

Mr. **Willis**. As a followthrough, Mr. Rangel, a few minutes ago, talked about the contempt that the whole drug trafficking system can have toward officials. What kind of contempt does a disparity create, in your opinion? What does it say about a community, in general?

Chief **Turner**. I guess, basically, the most thing that comes right to mind is that the community is going to tolerate it, when you have that contempt there—you know, they tolerate drug abuse.

Mr. **Willis**. Thank you, sir.

Mr. **Dymally**. Chief, thank you very much for testifying today.

Mr. **Dymally**. Our third panel is the Department of Interior, U.S. Park Police, Lieutenant Irwin, Major McQueeney, and Deputy Chief Lindsay. Each of you identify yourselves for the record.

STATEMENTS OF JAMES LINDSAY, DEPUTY CHIEF, COMMANDER, OPERATIONS DIVISION; MAJ. WILLIAM McQUEENEY, AND HUGH IRWIN, LIEUTENANT, U.S. PARK POLICE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

STATEMENT OF CHIEF JAMES LINDSAY

Chief **Lindsay**. Mr. Chairman, I am Deputy Chief James Lindsay, Commander of our Operations Division. To my right is Maj. William McQueeney, and to his right is Lt. Hugh Irwin, who was invited directly by the chairman of this committee, and Mr. Parris, to testify this morning.

Mr. **Dymally**. Thank you very much. You may proceed.

Chief **Lindsay**. At this time I would turn it over to Lieutenant Irwin.

Mr. **Dymally**. Thank you.

STATEMENT OF LT. HUGH IRWIN

Lieutenant **Irwin**. Mr. Chairman, let me start off first of all by thanking the committee and the Congress for the support they have given us in our efforts to control narcotics trafficking in the Washington metropolitan area.

In order to cover the points that we feel are important, I would like to read my statement to the committee at this time.

Mr. Chairman and members of the committee:

I am pleased to appear before this committee to discuss the scope and pattern of interstate drug trafficking in the Washington metropolitan area.

In my experience, drugs are bought, sold, transferred and packaged for distribution routinely across the borders of the District of Columbia, Maryland, and Virginia. These tactics and patterns of sales and distribution are based on marketing imperatives and the desire of major and midlevel traffickers to protect themselves from local law enforcement by taking advantage of jurisdictional boundaries.

Current Federal laws, on interstate trafficking, I believe, are adequate. However, I don't feel they are applied often enough to the street and midlevel dealers who are most susceptible to the efforts of law enforcement.

Because of the broad range of the police powers held by the U.S. Park Police, I feel we are not significantly hindered in the investigation and pursuit of interstate drug traffickers. We may bring cases in any of the three local court systems and may also use the U.S. magistrate's courts and the U.S. district courts in the District of Columbia, Maryland, and Virginia.

I feel interstate drug trafficking can only be successfully attacked by police agencies with the authority to complete drug investigations and make apprehensions based on investigations without regard to geographical areas of responsibility.

Our officers—that includes the uniformed officers and the nonuniformed officers that are assigned to the unit that I am in charge of—routinely find and seize heroin, cocaine, dilaudid, preludin, marijuana, phercyclidine, valium, percodan, percocet, and to a lesser extent, hashish, LSD, quaaludes, and methamphetamine in park areas.

In 1984, we arrested 851 persons and seized contraband, cash, and vehicles worth approximately $250,000. This is the unit to which I am assigned that accomplished this.

We also served 11 search warrants on locations identified as sources of supply for narcotics being sold and abused in park areas.

We find that drugs are routinely sold and abused in a number of park locations. There is an attachment, which I believe is available to the committee, to explain that.

The buyers and abusers that we contact come from all three jurisdictions depending upon the type of drug sought and the area where it is being sold.

As far as quantities of drugs being sold in this metropolitan area, the quantities of schedule I drugs, which include heroin, would be virtually impossible to estimate and substantiate. The diverted pharmaceuticals can be best estimated by such agencies as the Drug Enforcement Administration through required records held at each pharmacy and through manufacturers' records.

We understand that the Metropolitan Police Department pharmaceuticals' unit has completed several investigations which clarify the abuse and diversion of schedule II, III, and IV drugs in the city.

We have and will continue to cooperate with all local law enforcement agencies in addition to the Drug Enforcement Administration, the FBI, and ATF. We presently have two officers assigned to DEA task forces and the ATF often provides equipment and expertise to assist us in electronic surveillance.

In closing, I appreciate the opportunity to appear before you today and the support that the Congress has provided to ensure our success in meeting our basic mission responsibilities and appropriately address the National Park Service's portion of the regional problem of narcotics abuse and sales.

[The prepared statement of Lieutenant Irwin follows:]

STATEMENT OF HUGH IRWIN, LIEUTENANT, U.S. PARK POLICE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, TO DISCUSS THE SCOPE AND PATTERN OF INTERSTATE DRUG TRAFFICKING IN THE WASHINGTON METROPOLITAN AREA

Mr. Chairman and Members of the committee, I am pleased to appear before this committee to discuss the scope and pattern of interstate drug trafficking in the Washington metropolitan area.

In my experience, drugs are bought, sold, transferred and packaged for distribution routinely across the borders of D.C., Maryland and Virginia. These tactics and patterns of sales and distribution are based on marketing imperatives and the desire of major and mid-level traffickers to protect themselves from local law enforcement by taking advantage of jurisdictional boundaries.

Current federal laws on inter-state trafficking are adequate. However, I don't feel they are applied often enough to the street and mid-level dealers who are most susceptible to the efforts of local law enforcement.

Because of the broad range of our police powers, the USPP is not significantly hindered in the investigation and pursuit of interstate drug traffickers. We may bring cases in any of the three local court systems and may also use the U.S. Magistrate's Courts of the U.S. District Courts in the District of Columbia, Maryland and

Virginia. I feel inter-state drug trafficking can only be successfully attacked by police agencies with the authority to complete druge investigations and make apprehensions based on investigations without regard to geographical areas of responsibility.

Our officers routinely find and seize heroin, cocaine, dilaudid, preludin, marijuana, phercyclidine, valium, percodan, percocet and to a lesser extent, hashish, LSD, quaaludes, and methamphetamine. In 1984, my unit of 8 officers arrested 851 persons and seized contraband, cash and vehicles worth approximately $250,000.00. We also served eleven search warrants on locations identified as sources of supply for narcotics being sold and abused in park areas.

We find that drugs are routinely sold and abused in a number of park locations. [See attachment.]

The buyers and abusers come from all three jurisdictions depending upon the type of drug sought and the area where it is being sold.

The quantities of schedule I drugs would be virtually impossible to estimate and substantiate. The diverted pharmaceuticals can be best estimated by such agencies as DEA through required records held at each pharmacy and through manufacturers' records. We understand that metropolitan police department pharmaceuticals' unit has completed several investigations which clarify the abuse and diversion of schedule II, III and IV drugs in the city.

We have and will continue to cooperate with all local law enforcement agencies in addition to the DEA, FBI and ATF. We presently have two officers assigned to DEA task forces and the ATF often provides equipment and expertise to assist us in electronic surveillance.

In closing, I appreciate the opportunity to appear before you today and the support that the Congress has provided to ensure our success in meeting our basic mission responsibilities and appropriately address the National Park Service's portion of the regional problem of narcotics abuse and sales.

HIGH FREQUENCY AREAS FOR DRUG RELATED CASES BY LOCATION FOR 1984

LOCATION OR AREA	# OF CASES	DRUGS ENCOUNTERED	SALES	USE
Anacostia Park	231	1, 2, 3, 4, 9	Y	Y
East Potomac Park	215	ALL	Y	Y
Meridian Hill Park	73	1, 2, 3, 4, 10	Y	Y
Franklin Park	66	ALL	Y	Y
Great Falls - Virginia	56	2, 3, 4, 6, 8	Y	Y
Kenilworth Park	53	1, 2, 3, 4, 9, 10	Y	Y
RFK Stadium	42	SAME	Y	Y
Carter Baron	34	1, 2, 3, 4	Y	Y
Gravely Point	31	1, 2, 3, 4, 7, 8, 9	N	Y
First & Second Overlook	30	1, 2, 3, 4, 7, 8, 9	N	Y
Fort Dupont	28	1, 2, 3, 4	Y	Y
Fort Washington	18	ALL	Y	Y
Dupont Circle	17	ALL	Y	Y
Great Falls - Maryland	16	2, 3, 4	N	Y
Washington Monument Grounds	14	2, 3, 4	Y	Y
Lafayette Park	13	2, 3	N	Y
Mall Area Between 3rd & 14th Streets	13	1, 2, 3, 4, 6	N	Y
West Potomac Park	12	ALL	Y	Y
Fort Hunt	12	ALL	Y	Y
OTHER PARKS, NW, DC.	UNK.	ALL	Y	Y

1. Heroin
2. Cocaine
3. Marijuana
4. PCP
5. Percodan
6. LSD
7. Speed
8. Methamphetamine
9. Speedballs
10. Syringes

Mr. DYMALLY. Have you got any other witnesses?

Chief LINDSAY. No, sir, Mr. Chairman.

Mr. DYMALLY. All right. Mr. Parris.

Mr. PARRIS. Thank you, Mr. Chairman. Just a couple of real quick questions.

What is a speedball?

Lieutenant IRWIN. A speedball is a combination of heroin and cocaine, and sold on the street in the District of Columbia, among other locations.

Mr. PARRIS. And that's in the chart in your statement. Is the use of that substance becoming more prevalent?

Lieutenant IRWIN. Recently, we were doing a narcotics operation with the Metropolitan Police focused on the area of Kenilworth and Eastern Avenue in Northeast DC. At that time, we were able to seize a number of containers of what they call shooters on the street. And they are $15 a packet generally of cocaine and heroin, speedball that's sold on the street.

In my experience, those are becoming more prevalent, smaller quantities for those that don't have the money to buy the larger bags of heroin—a $40 bag, or a $30 bag of heroin or cocaine.

Mr. PARRIS. How do you take it?

Lieutenant IRWIN. Generally, you shoot it like heroin, cocaine, you shoot it like heroin.

Mr. PARRIS. OK.

Looking at the chart that you furnished to us, in the park areas—and if you were here when I made my opening statement, I congratulate you gentlemen very much for I deem as an unprecedented success in your drug enforcement activities in park areas. You and I have talked before, you recall at various times, about the syringes and paraphernalia at one time or another that are found on the overlooks on the Mount Vernon Parkway, for instance. And it is certainly my endorsement—I think this is totally accurate that the involvement of the Park Police in that activity has been an exceptionally successful effort.

Lieutenant IRWIN. Thank you.

Mr. PARRIS. The point I started making is in this report that is attached to your statement, in Anacostia Park and East Potomac Park, there were roughly 450 apprehensions in 1984, and that equals all of the apprehensions that were made in all the other parks listed on your report. Is there any reason why those two particular park areas are apparently the center of activity?

Lieutenant IRWIN. In my opening statement I addressed marketing imperatives. It is my experience that the people who sell drugs go to those areas where they know the people there who will buy drugs. And on the other side of the coin, those that buy them will go where they know people who are selling them. It happens that at this time, because of the large visitation of those particular areas, there are opportunity for both buyers and sellers. We have centered on those areas with a lot of our enforcement efforts.

A number of these arrests are due to the observations of uniformed officers to whom last year received the Council of Governments' award for narcotics officers of the year.

Mr. PARRIS. What you are really saying is the same thing that has been said here before, in terms of the international market and that the supply—here you can deal with the demand, but until you can deal with the supply, you can't get to the root cause of the problem.

Is that a fair statement?

Let me put it another way, maybe I confused you. If, in fact, there are persons who are interested in buying illicit substances in the District of Columbia, and as Chief Turner indicates, that you can arrest them and prosecute 16,000 people in 2 years, but as long as there seems to be that demand and the extraordinary financial benefits that come with it, there will continue to be a demand. As long as there's a demand, if there's a supply, we will continue to have a problem. In other words, the way to get to the problem, it seems to me, is to go to the supply. Do you agree with that?

Lieutenant IRWIN. I think that in one analogy, narcotics enforcement has to be a full court press. I think that all of the law enforcement agencies who deal with narcotics enforcement have to deal with it at all levels, from the levels at which it is brought into the country, are diverted to street use through the midlevel distributor, to the person on the street who is buying and who is selling it.

And it is only through that kind of a coordinated overall effort that we will have a long-term effect on narcotics problems in this country.

Mr. PARRIS. I agree with your statement in general. I would just say that as long as the coca which is essentially promoted as an agricultural product in some South and Central American nations, we are going to continue to have a cocaine problem. And until we focus on that problem and get tough with some of these international suppliers and producers, and nations that permit that activity to go on, I don't think we are ever going to solve the drug problem.

Thank you, Mr. Chairman.

Mr. DYMALLY. Mr. Rangel.

Mr. RANGEL. Thank you. First, let me congratulate you for the stepped up war that you are involved in.

Under Interior, does the Bureau of Land Management come under——

Chief LINDSAY. The Bureau of Land Management is a bureau of the Department of Interior, yes, sir.

Mr. RANGEL. And the entire National Park Service is under that?

Chief LINDSAY. The National Park Service is a separate bureau under the Department of Interior, and we are a portion of the National Park Service.

Mr. RANGEL. And the National Forest Service comes under a different part of the Department?

Chief LINDSAY. No; the Forest Service is a bureau under the Department of Agriculture.

Mr. RANGEL. OK. Now, as relates to these marijuana plantations that we have on Federal property, especially in California, whose jurisdiction would that come under?

Chief LINDSAY. It varies. However, there are initiatives within the Department of Interior, that all the bureaus are involved in the interdiction and eradication of illegal drug activities within properties administered by the Department.

Mr. **Rangel**. How many agents, do you think, are actually involved on Federal lands with marijuana being grown?

Chief **Lindsay**. I have no way of knowing, sir, not for the departmentwide, we are only responsible here with the Park Police our operation here within the Metropolitan Washington, DC area. However, we do participate and cooperate with other regions of the National Park Service during the prime growing periods for marijuana in the loan and use of our aviation section to try and identify illegal cultivations within National Park Service administered areas, or ground forces to go in and actually seize it.

Mr. **Rangel**. But there are agents involved nationally?

Chief **Lindsay**. Nationally—we can get that information later for the committee, if required. I just don't have it.

Mr. **Rangel**. Do you know where it's growing at all that you have been involved in any of these investigations, distribution, eradications or arrests, or anything?

Chief **Lindsay**. At one time, we were involved with an eradication program in Hawaii in one of the national parklands there directly with the National Park Service Rangers, and I will turn it over to the lieutenant as far as what we found.

Lieutenant **Irwin**. We have in the past found growing areas on National Park Service land within the National Capital region. At the present time, we are using our aircraft for overflights. Our approach within the unit that I am in charge of, has been to try to make as many street contacts as possible and to try to develop information that leads us to those areas that are larger distribution areas or larger individuals that were distributing narcotics.

We found that to be very successful because of the size of our unit. We can't possibly cover the thousands of acres in the Washington area.

Mr. **Rangel**. You know I am talking about production.

Lieutenant **Irwin**. Yes, sir.

We had, prior to the initiation of this unit, there was a plot of marijuana plants growing on the C&O Canal that was eradicated.

Mr. **Rangel**. But what does that mean?

Lieutenant **Irwin**. To the best of my knowledge, it was simply cut down and taken away and burned.

Mr. **Rangel**. OK. For the record, I would appreciate if you could get some information to us as to the amount of Federal property within the Interior's control that you have——

Chief **Lindsay**. On a national level, sir?

Mr. **Rangel** [continuing.] On a national level as well as——

Mr. **Dymally**. Mr. Rangel, the operator would like you to stay close to the microphone.

Mr. **Rangel**. It is a problem as to what we do in the United States when we are now becoming one of the major marijuana producers here. So since you have some jurisdiction over where this is growing—both of us should get as much as is available on the record as possible.

Chief **Lindsay**. We will contact the responsible parties in the department and provide that information as quickly as possible to the committee.

Mr. DYMALLY. May I suggest you send one to Mr. Rangel's Select Committee on Narcotics and one to Mr. Fauntroy.

Chief LINDSAY. We will make that request to the department.

[The above information was not received in time for printing.]

Mr. DYMALLY. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Lieutentant Irwin, how do you account for all of the activity in Anacostia Park and East Potomac Park? What makes those such an area of high drug traffic?

Lieutenant IRWIN. Those two areas, they have very high visitation by local people who know that those are areas where they can buy and sell marijuana and other narcotics. We have a number of officers who are able to particularly concentrate on those areas and have trained themselves on the techniques to pick up on people who are abusing drugs in those areas.

And as a result of that, we have made a tremendous number of arrests. The visitation figures within those areas are extremely high.

Mr. GILMAN. You said there was some production here in the Capital area and you talked eradication of one of those plots. How recent was that eradication?

Lieutenant IRWIN. To the best of my recollection, it was at least 5 to 7 years ago now.

Mr. GILMAN. There has been no production since that time?

Lieutenant IRWIN. There has been no identified production. When I was in our aviation section in 1976–77, we did some overflights on the Fort Washington area and identified a small plot, and coordinated the eradication of that small plot with the Prince Georges County Police Department.

Chief LINDSAY. Mr. Gilman, for the record, our aviation observers and pilots are trained for that overflight responsibility. And the last time I discussed it with them we had not actually observed any sizable indications or any indications of any cultivation going on in our areas right now. We have, and do, cooperate with the National Park Service regions that are responsible for Shenandoah and Skyline Drive, to where we coordinate overflights of those large park system areas in an attempt to try and identify from the air production areas for eradication.

Mr. GILMAN. Are those flights conducted on a regular basis at the present time?

Chief LINDSAY. Right now we are scheduling for Shenandoah in May and August, and June, and it is based on the local anticipation of when it is best to observe and spot from the air, based on the growing cycles and seasons.

Mr. GILMAN. How many of your park personnel work on narcotics solely, or do they all have opportunity?

Chief LINDSAY. We, basically, are multidisciplined operated, I guess is the best way to put it. However, we do have the one section that the Lieutenant is in charge of—the tactical crime patrol—that spends a great deal of time strictly on narcotics, and that is eight officers, including the two supervisors at this present time. However, we do, from time to time, add into his unit, once he develops a case of significant size for target areas, additional personnel to work solely in that arena for a day or two at a time, or whatever it takes. On a day-to-day committed basis, 8 man-years, for that, plus 2 more man-years of DEA task force.

Mr. GILMAN. What were the total number of narcotics cases that you had arrests for last year were how many?

Lieutenant IRWIN. 764, sir.

Mr. GILMAN. That's right in the metropolitan area alone?

Lieutenant IRWIN. Yes, sir, a total of 851 arrests.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. DYMALLY. Lieutenant, in sheets supplied to us by the police chief, we note there is no mention of distribution points in the Second District, which is Georgetown. Are they more sophisticated there than they are in the other districts?

Lieutenant IRWIN. Would who be more sophisticated?

Mr. DYMALLY. The Georgetown distributors. And I have listed on this sheet—all of the districts are listed except the Second District, which is Georgetown.

Lieutenant IRWIN. Midsummer of last year, there was a homicide on the C&O Canal. As a result of that homicide, we saturated the area with nine uniformed officers to provide patrol. As a result of that patrol, we arrested a number of people for narcotics distribution. That included cocaine, marijuana, PCP, and LSD.

I don't believe it is fair for me to speak to the information provided by the Metropolitan Police. We have made arrests in the area generally.

Mr. DYMALLY. He was referring to the openness of the distribution points of the District, but there was no listed distribution point in Georgetown. So my question to you is: Are those distribution centers in Georgetown closed, or are they open as the other parts of the District?

Lieutenant IRWIN. I believe there's a different profile to the type of distribution that you see in an area like Georgetown, which is demographically different from other areas of the city. It is probably much more difficult to attack from the street officer's standpoint and requires generally more intensive investigations to identify and arrest distributors in that area.

Mr. DYMALLY. The chairman has a couple of questions I want to ask you.

How does your ability to cross jurisdictional lines enhance U.S. Park Police efforts to fight drug trafficking?

Do you feel that local drug enforcement personnel should be given similar authority, such as the marshals or other officers?

Lieutenant IRWIN. One of the areas—and I will refer to it briefly because I think it is one of the best known in Washington right now, is Kenilworth and Eastern in Northeast District of Columbia. At Kenilworth and Eastern you have narcotics dealers who sell on the streets in DC, and when Metropolitan Police come in and saturate the area, will immediately go over to Maryland.

By the same token, if they are distributing drugs in the Prince Georges County area on the other side of the line, Prince Georges County Police respond, then they run into the District of Columbia. Unless the Metropolitan Police and Prince Georges County Police specifically address that problem on a specific day, it is extremely difficult to round those people up.

On the other hand, we have police officer status under emergency situations in the State of Maryland. If we identify someone in the District of Columbia who is distributing narcotics and then see him go over the District line in Maryland and do the same thing, we can arrest them and prosecute them through the State courts in Maryland.

I believe it gives us the capability that isn't available to most local law enforcement agencies and it would be a tremendous help in dealing with the street level and midlevel distribution of narcotics in this metropolitan area.

Mr. **Dymally**. I notice that there was no mention of the canal area in Georgetown in your statistical table. Have there been any drug-related arrests in that area?

Lieutenant **Irwin**. We made a considerable number of drug arrests when we specifically targeted that area. Officers who work uniform in that area routinely make narcotics arrests.

Mr. **Dymally**. The chairman is back but I am not giving up the seat.

Mr. **Fauntroy**. Go right ahead. [Laughter.]

Mr. **Dymally**. I will ask one question while we exchange seats.

The table shows a remarkable success ratio of staff versus arrests by your unit. If you received additional personnel and other resources, do you feel that the Park Police could do a better job in making more arrests, drug arrests, that is?

Lieutenant **Irwin**. I don't know that there is any guarantee that an increase in personnel or an increase in financial resources would produce more arrests. I am fortunate to have a number of very highly motivated officers working for me.

I feel that it is probable that with more officers we could do more indepth investigations, and probably become a more efficient unit.

Mr. **Fauntroy** [presiding]. Thank you so very much, and I want to express my appreciation both to Congressman Dymally and to my colleagues on the committee for excusing my absence as I testified on the South Africa legislation, which hearing, the chairman of our Select Committee on Narcotics Abuse and Control, had just left.

Gentlemen, the committee staff has been told several times that there is a disparity in sentencing between the U.S. district courts in the District of Columbia and the U.S. district courts in Maryland and Virginia, and the D.C. Superior Court. That is, the U.S. district court judges in the District of Columbia, it appears, hand out lighter sentences than other Federal and local courts.

How does this disparity, in your view, affect the morale of your unit when similar suspects receive remarkably different treatment and sentences in District of Columbia versus the Maryland and Virginia courts, and even our D.C. Superior Courts?

Lieutenant **Irwin**. The problem of sentencing, I don't think, is particular to the D.C. area or the court system in the District of Columbia, Maryland, and Virginia. I have received a publication that is put out by the committee called Parents Against Narcotics, Drug and Alcohol Abuse, which is centered in Virginia, which tabulates the disparities in sentencing in all of the local courts.

The perception that there are great disparities in sentencing is something that the street officer who is extremely successful in the number of arrests he makes, I believe puts out of his mind. I think we are as aware of the perceived discrepancies as are the people who are on the streets, and that this does cause problems.

Mr. FAUNTROY. I understand that you did submit a report showing the discrepancies that you would like to have submitted for the record now?

Lieutenant IRWIN. Yes.

Mr. FAUNTROY. Without objection, that will be included in the record at this point.

[The document follows:]

PANDAA

PARENTS ASSOCIATION TO NEUTRALIZE DRUG & ALCOHOL ABUSE

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VIRGINIA LEGISLATIVE NEWS

by Connie Kepner

On Wednesday, January 11th, the Virginia General Assembly will convene its 1984 session. The session will last only 60 days and all new legislation for 1984 must be passed during those 60 days. The Virginia Coalition of Parents (VCP) is a group of parents who work on substance abuse legislation. PANDAA urges citizens to help VCP to get two bills passed during this session. The bills we are especially interested in are: raising the drinking age to 21, and the DEA Model Civil Forfeiture Bill.

There are many good reasons why it is important for young people to delay drinking alcohol until they are 21.

The age group of 15 to 24 years is the only age group with a rising death rate. The leading cause of death in this age group is alcohol and drug related accidents.

The University of Virginia Newspaper, The Cavalier, recently reported that since the drinking age was raised to 19, weekend and nighttime visits to the University Hospital emergency room for alcohol-related injuries have decreased by about 50%. These injuries included accidents such as falling off steps, out windows, or off roofs. Richard Keeling, Student Health Director, reported that last year on a typical weekend there would be from 5 to 10 alcohol related injuries while this year it is down to 2 to 3 injuries. Alcohol consumption is a serious problem on our college campuses.

It is well known that an adolescent can become alcoholic in a matter of months while an adult usually drinks from 5 to 20 years before developing the disease of alcoholism.

There is increasing medical evidence that alcohol causes toxic effects on the immature hypothalmus of an adolescent. The hypothalmus is the part of the brain which controls the emotions. Regular ingestion of alcohol during adolescence may produce a permanent imbalance of the hypothalmus and irreversible malfunctioning of the autonomic nervous system resulting in chronic alcoholism.

The National PTA and the American Academy of Pediatrics supports raising the drinking age to 21. Already 24 states have raised their drinking age to 21. Last year's effort to raise the age to 21 was killed in Committee by only 10 Senators even after it passed the House by a vote of 71 to 27.

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Civil forfeiture provides for the confiscation of money and goods resulting from drug trafficking and returns those assets to the state to use for law enforcement, rehabilitation or for whatever the bill designates. The U.S. Congress enacted civil forfeiture for Federal cases in 1978. In the ensuing three years, Federal agents confiscated $268 million in ill-begotten assets! Not only does civil forfeiture hit the drug dealer where it hurts the most -- $profits$ -- but it holds enormous revenue potential for Virginia. Approximately 12 states already have civil forfeiture or some features of it.

VCP needs your help in making these two laws a reality in Virginia. Much of the final hour work can be done from your home, such as writing or calling legislators as part of a "communication" tree. If you would be interested in helping, please call VCP at 455-2030 or 759-2215, or write to VCP, P.O. Box 4155, Mc Lean, Va. 22103

THE SCOPE OF THE U.S. DRUG PROBLEM

Following is a speech presented to the Virginia Federation of Parents for Drug Free Youth on October 7, 1983 by Daniel Leonard, Deputy Director of the Drug Abuse Policy Office of the White House. Reprint is with permission.

I'd like to report to you today that the drug problem has been wiped out but I can't. In spite of your efforts, the efforts of other groups throughout the country and the efforts of the federal government we are still faced with a problem that almost defies description. Let me try to demonstrate the size of the drug abuse problem in the United States.

By the end of July this year the law enforcement community had seized 643 tons (1,286,000) of marijuana, 5.2 tons (10,400 pounds) of cocaine and 397 pounds of heroin. Those are impressive numbers but they really mean nothing to the average parent in this room. You can't even imagine how many trucks it would take to transport the seizures to a warehouse, nor can you visualize the size of the warehouse. But, if we reduce the seizures to the number of joints of marijuana and blows of coke, each and every one of us can understand what the seizures mean to our children.

The New York City police lab tells me that you can make 1750 joints from one pound of marijuana, about 2333 "blows" from one pound of pure cocaine and about 2333 "bags" from one pound of pure heroin. About the only figure you and I can use with relative confidence is the marijuana number. By the time your friendly neighborhood dealer passes cocaine or heroin on to your children it has been cut many times. You would have to multiply the cocaine figure three to five times and the heroin figure perhaps by fifteen.

Let's work with the pure figures. You can use your imagination on what the final numbers would be for coke or heroin. If we multiply 1,286,000 pounds of marijuana by 1750 we come up with 2,250,500,000 joints. If we multiply 10,400 pounds of cocaine by 2333 we have 24,263,200 blows. If we do the same with the heroin seizures we arrive at 926,201 $10 bags. Remember the cocaine and heroin figures are using pure material. The figures boggle the mind a little more. The Department of Education says there are 2,983,000 high school seniors in the United States. That works out to 754 joints for every senior, eight blows of coke for every senior and one $10 bag of heroin for every third senior. Are you impressed, shocked? You should be. But the picture is not all black. This year we seized double the amount of pot seized during the same period in 1982. The law enforcement efforts in the Carribean have started to pay off. The smugglers are well aware of what we have arrayed against them on land, and sea and in the air. They are not willing to risk being taken by the coast guard or the navy. But we are not out of the woods yet. There is still plenty of junk around. If you doubt me go home and ask your local policeman or sheriff. Better yet, ask your kids.

Let me give you an example of how bad it can get if people like you don't do your job. My home town, New York City, is a perfect picture of what can happen when drug abuse is ignored. New York was never paradise from a cop's point of view, but conditions today make the city of my youth look like Walnut Grove or some other small rural community of the early 1900's.

My last visit to New York was with the Vice-President's chief of staff, Dan Murphy. It was my job to show the Admiral the many problems facing customs as they attempt to stop the smuggling of drugs. After taking the Admiral around the various installations I hit the "bricks." After being a NYC cop for 26 years I thought I knew my way around. How little I realized how the city had changed. Oh yes, the heroin dealers were still doing business at their old stands. The lower east side of Manhattan is still a drug bazaar. You name the drug and some vendor will get it for you. They do business through holes in the walls of abandoned buildings. If the city seals off the building they immediately move on to the next building. The customers are easy to recognize. Just look for the well dressed kid in a car with plates from Connecticut, New Jersy or the suburbs of New York. The police make hundreds of arrests but the trade goes on unabated. And it will, as long as there are customers.

The next eyeopener was the cocaine picture in New York. Both the local police and DEA reported that "the city is awash in cocaine." That's a direct quote. They described a disco in the vicinity of the DEA office where a kilo of coke was sold every night. Incidently, the locals confirmed that this particular disco is not unique.

Now let's talk about marijuana. In New York City we find an unusual institution called the "smoke shop". These are shops where marijuana is actually sold over the counter. No one really knows how many shops there are in the city. Estimates range from 700 to 2,000. Whatever the number, it is entirely too high. The shops are nothing more than abandoned stores that have been taken over by the dealer. He leaves the front of the store as it was, but inside he constructs a partition across the middle. The partition is generally of plywood but sometimes it is considerably stronger. In the partition we find a plexi glass window and a drawer similar to the ones found in a drive-in bank. the customer places his money in the drawer, the money is removed and the pot is placed in the drawer. Pot is sold without any regard to sex, age, or color. Any customer is welcome.

Why do the police let a situation like this go on, you ask? They raid these shops constantly. They arrest the dealers and take them to court. Do these dealers who sell drugs go to prison? No!! They are generally fined $50 or $100. Why? Because the N.Y.S. legislature in its great wisdom made the sale of under 25 grams of marijuana a misdeameanor, and the possession of less than 8 ounces a misdeameanor. Dealers aren't stupid — they never sell more than 24 grams at a time, nor do they have more than 7 ounces in the shop. This is a perfect example of the chaos wrought by the so called liberalization of the marijuana laws.

Because of the liberal laws it is not unusual to see people smoking pot openly on Wall Street, in City Hall Park, Central Park or outside the offices of the special narcotics prosecutor. On my visit I saw two dudes smoking pot in the corridor of the criminal court building.

That's the New York City story. Why did it happen? There is probably no one answer, but let me give you my thoughts. It didn't happen because the cops didn't do their job. Lord knows they make tens of thousands of arrests. It happened because good citizens like you decided that the police could handle the problem alone. After all, why should you get your hands dirty dealing with trash? Cops get paid to do that. That was bad enough, but then you started to take our power away from us. You stood by while the various liberal groups enacted restraints on police authority. You looked the other way when the legislators enacted laws that virtually legalized various drugs because some clown told you that they were harmless and only used recreationally. And you would never vote to build new detention facilities. Who needs prisons or jails?

New York City is a horror story. But it is a horror story that can be repeated anywhere in the United States. It can be repeated right here in Virginia. If it does, don't blame the state police or your local police. Blame yourselves for sitting on your hands and letting it happen........If you become directly involved you will save the one thing that is most precious to you—your children. If you go home and let someone else worry about the problem you stand a good chance of losing your children. No one can force you to take a stand. I'm not going to follow you around and the police won't—You're on your own! Oh, there is one person who will watch your actions very closely! Your friendly, neighborhood drug dealer will be keeping an eye on you. If you do nothing, he'll go on smiling. If you get involved, he'll start sweating......

For the past two years my office has been involved in the domestic marijuana eradication project. The program has grown from two states to forty states. We have been eradicating by manual and mechanical methods. So far these methods have been adequate. Unfortunately the same methods will not work in Columbia. The growth is too wide spread. To be successful the Colombians must spray. We keep asking them to spray paraquat and they remind us that we won't spray paraquat in the United States.

To demonstrate to the Colombians that we were willing to spray we selected two areas in Kentucky and Georgia where cannabis was being cultivated in the National Forests. We sprayed paraquat on the illegal cultivation and the sky fell in. Everyone came down on us like a ton of bricks. There were phone calls from members of Congress, governor's offices, and parents, in addition to editorials and letters to the editor -- all opposed to spraying. You were strangely silent. I would like to believe you were silent because you didn't understand what was involved.

Paraquat is the most widely used herbicide throughout the world. Farmers spray 4 million pounds of paraquat on over 10 million acres right here in the United States every year. It is sprayed from helicopters and fixed wing aircraft; it is sprayed from tank trucks and back packs. No one writes letters to the editor, there are no editorials in the Times, nor is it a big issue on "Nightline". But when we sprayed one and one half pounds on marijuana the roof caved in. It is now very obvious that the issue is not paraquat but marijuana.

We will spray again. There will be another uproar. This time you can take an active part. You can write letters to the editor and support us. You can write and call your Congressman and support us. You can speak up for your children's sake.

You can help in another way. Virginia is looking to develop a forfeiture law. A law that would make drug traffickers pay for the very law enforcement agencies that are putting them in jail. There is some resistance to such a law in Richmond. Law enforcement needs all the resources it can get. Support the efforts that will be made in Richmond to pass a state civil forfeiture law.

SCHOOL BOARD CRACKS DOWN ON DRUGS

In April, 1983 a dramatic meeting of 29 PANDAA parents and kids with Fairfax County Superintendent of Schools, Mr. Jack Burkholder, precipitated the appointment of an ad hoc committee on substance abuse. The committee studied the drug and alcohol problem in the school system and found it to be more serious than previously believed. In response to its findings, the committee made 29 recommendations to strengthen school policies. Those recommendations which did not require school board approval went into effect at the beginning of the new school year.

The new school year was opened with a special seminar for coaches teaching them how to recognize abuse among their athletes, and giving strong directives on the school's stand on substance abuse violation. Similar programs have been or will be held for every group of school system employees from school principals to substitute teachers to bus drivers. PANDAA has received reports from parents from all parts of the County that their schools are cracking down on substance abuse.

On December 1st the School Board approved the remaining recommendations on consequences of substance abuse violations and the reduction of the number of class cuts allowed. These policies will be effective with the start of the new semester. Revised student handbooks will be distributed and school personnel will be oriented to the new rules.

It was very gratifying to observe that not only do we have a school administration committed to reducing substance abuse but also a committed school board. A letter of appreciation and a pledge of support to Mr. Burkholder and your school board representative is in line. The address is 10700 Page Ave., Fairfax, Va. 22030.

Following is a speech presented to the School Board in support of the recommendations to the School Board.

My name is John Malone. I am a recovered alcoholic. Two of my children are also recovered, having undergone treatment for chemical dependency.

Through my own recovery and that of my children, I have learned about "enabling". Very briefly, enabling means avoiding or postponing a confrontation with someone who is harmfully involved with alcohol or other drugs. Although enablers always mean well, their enabling makes matters worse for the chemically dependent person. It sometimes even kills them, literally "killing them with kindness" by making it easier for them to continue using drugs.

We used to think that alcoholics and other addicts had to "hit bottom" before they could recover; that they had to really want help before it would do any good. Recently, however, we have learned that intervening in the lives of chemically dependent people before they hit bottom can save many who would otherwise succumb to their illness or mercifully shorten their period of harmful involvement with drugs. Most successful intervention is based on some kind of reality crisis, such as the threat of losing a job or divorce in the case of adult alcoholics. In the case of children, intervention is even more important. It is harder for young people to admit that they need help than it is for adults.

The package of recommendations before you this evening would help the school system to stop being one of the enablers and instead to start confronting chemically dependent students with the reality of their drug use, thereby helping to bring about a situation in which they and their parents are more likely to seek the necessary professional help to deal with the disease.

For a young person to use drugs or alcohol at school is similar to an adult drinking on the job and keeping a bottle in the desk drawer. School or work are probably the last places chemically dependent people would want to be caught engaged in harmful or illegal activities. The students who will be affected by the proposed tighter regulations are not those who are only "experimenting"; they are those who already have a serious problem which they can no longer keep hidden, even at school.

RUNAWAYS

by Joyce Tobias

"Running away" is frequently a behavior pattern exhibited by alcohol and/or drug involved children before their parents are aware of their child's chemical problem. Impulsiveness is a characteristic of the disease of chemical dependency. Flight often occurs after an argument or for no apparent reason.

The threat to run away can be a very effective manipulation technique. When it does actually happen the parents are often guilt ridden. When the child returns some parents then become even more receptive to their child's manipulative techniques, and so running away can have a very good pay-off for the child of enabling parents. This is especially so when a parent of a druggie friend graciously harbors the delinquent child and believes his tales of the child abuse occurring in his home, as one mother recently related:

> "My 14 year old son drug using son, who had run away from home after an argument with us, managed to stay away for days to my great surprise. Even though he carried no money or appropriate clothing, an entire network of druggie kids (and some enabling adults who were willing to believe his sad stories of abuse and unhappiness) provided him with food and shelter. I now know that before he entered the drug treatment program in which he is currently enrolled, my own home served as shelter for several runaways who spent nights in remote basement nooks, unbeknownst to the rest of the family."

A missing child is a very frightening experience for a parent. It is not easy to keep your "cool" while looking for a child. The PARENTS OF TEENS telephone service (237-8121) can put parents in touch with other parents who have gone through a runaway experience. One runaway incident is just cause for very serious suspicion of drug use. It should not be brushed off. Following are helpful hints for locating runaways.

1. Call parents of child's friends. Remember that parents are sometimes harboring runaways and are not aware of it. Ask them if they have noticed anything unusual at their home such as food missing, evidence of another person in the basement, garage, tool shed, etc. Offer a reward to child's friends for information. Keep a notebook and pencil near phone and record and date any conversations that may give the smallest bit of relevant information.

2. File a missing persons report immediately with the local police or sheriff, and ask them to file a report with the State Department of Justice or State Bureau of Investigation, and the National Crime Information Center (NCIC). Check if your child is being detained for a crime anywhere. Stay in touch with authorities and follow up persistently.

3. Make a reward poster with photo, description, date of disappearance, any identifying marks, clothing or mannerisms, and a telephone number (usually police) and address that someone can contact with information. Offer reward for verified information. Post in convenience stores, churches, and locations child has frequented. Offer a reward in the newspaper. Try to get as much publicity as you can.

4. File a missing person report with the Salvation Army. Their regional office has a department that will endeavor to find someone using all available public records. Go to the local Salvation Army Office nearest you and see if your child was there to get a free meal. Most offices keep a card index on persons served.

5. File a missing person report with the Red Cross. Check with job placement agencies and armed forces. Check past telephone bills for out-of-town numbers and credit card bills for out-of-town purchases.

6. One of the most effective ways of making contact with the missing is by employing a competent, carefully selected detective. Verify his character with the Better Business bureau, and make your financial arrangements in advance with conditions spelled out in writing.

IT'S THE LAW

*8.01-47. Immunity of school personnel investigating or reporting alcohol or drug use: In addition to any other immunity he may have, any teacher, instructor, principal, school administrator, school coordinator, guidance counselor or any other professional or administrative staff member of any elementary or secondary school, or institution of higher learning who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to alcohol or drug use or abuse in or related to the school or institution or in connection with any school or instiution activity, shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure. Virginia Code 1950, *8:631.1; 1972, c.762; 1977, c.617; 1981.

CALL THE ABC

The Virginia Department of Alcohol Beverage Control (ABC) has instituted a toll-free number to report suspected violations of alcohol control laws. The number for the 24 hour, 7 day a week service is 1-800-552-3200 The Department urges citizens to call. Know the name, address, and town where the violation occurred.

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TIDBITS

Several PANDAA Board members were invited to the White House to witness President Reagan's signing of the National Drug Abuse Education Week proclamation on the eve of the TV airing of the National Chemical People project. Exerpts from his speech follow..... "today, as never before, America's children are getting help in the battle to keep their minds free of drugs. We're making progress against drugs because parents and other adults finally decided to do something about it. No longer do we think of drugs as a harmless phase of adolescence. No longer do we think of so-called hard drugs as bad and so-called soft drugs as being acceptable. Research tells us there are no such categories; That the phrase "responsible use" does not apply to drug experimentation by America's youth. And as far as the "recreational use" of drugs is concerned, I've never in my life heard a more self-serving euphemism by those who support drug use. There is nothing recreational about those children whose lives have been lost, whose minds have been ruined. If that's somebody's idea of recreation, it's pretty sick. Too often we've fallen into the trap of using nice, easy, pleasant, liberal language about drugs. Well, language will not sugarcoat overdoses, suicides and ruined lives.....The effort against drugs is coalescing with parent groups, government, business and now, in the case of the Chemical People project, the media is involved, as well. Progress is being made, but it takes time to erase 20 years of lax attitudes. I'm confident we're on the right track and that education, not scare tactics, will be effective".

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The Robinson High School Task Force formed as a result of the Chemical People Show will publish a Parent Pledge in the next PTSA newsletter for parents to sign and mail back. It reads, "I pledge that all parties in my home for school age children will be chaperoned and will be drug and alcohol free". This pledge will also be printed in Robinson area community newsletters. Efforts will be made to involve area civic associations and Neighborhood Watch teams in projects with the task force. The task force asks that Robinson become a "No-Tobacco" school immediately. Its next meeting will be January 4th at 7:30 p.m. in the Home Ec area at Robinson.

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The Vienna Chemical People Task Force voted to become a PANDAA chapter. Some members have already signed up to be on the COURT-WATCH or the Rock Concert Committee, or to help the VCP. The chapter meetings will be on the first Wednesday of each month at 8 p.m. at Madison High School. The next meeting will be Jan. 4th. Call Judy Sloan for information, 281-1259.

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A high school coach lost his coaching job when He said at a Chemical People Town Meeting in Stafford County, Virginia, that 70% of the members of his junior varsity basketball team are regular drinkers. Unfortunately his high school principal did not back him up when parents protested, but he received thousands of favorable letters from all over the country including one from Mrs. Reagan. How's that for support!

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In Arlington, Va. a mother was charged with contributing to the delinquency of a minor after two young-looking undercover policemen, acting on a tip from a "concerned parent", paid $2 each to drink beer at a party attended by 300 teenagers. Police confiscated two kegs of beer and more than $201. The woman was found not guilty.

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In Glen Ellyn, Illinois a new law makes property owners subject to arrest and a fine of up to $500 if police are called to investigate a disturbance caused by the drinking of minors under 21 in Illinois. A number of other towns have passed similar ordinances. Read more about this in the March 1983 issue of McCalls magazine.

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In Fairfax County, Va. a 19 year old female volunteer, accompanied by an undercover officer, entered 27 stores and attempted to purchase a six pack of beer. In 12 stores she was unchallenged in her purchase. In another store a customer purchased beer for her and was arrested as were the clerks in the other 11 stores.

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The American Academy of Pediatrics (AAP) and the National PTA have adopted resolutions to support state and/or national legislation to raise the drinking age to 21 and to notify manufacturers of cosmetics with illegal drug names such as "Opium" of its disapproval of this practice of implying that illicit drug experience is exciting and desirable and suggest they consider their responsibility to young people. The AAP also proposed that the AAP investigate the advertising of prescription drugs to the general public and the releasing of powerful medications for over-the-counter purchase, and inform manufacturers of the Academy's concerns. And yet another resolution asked for substance abuse education for medical students and pediatric residents.

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The Lemmon Co. has announced that it will discontinue production of its Quaalude brand of methaqualone and will not distribute it after Jan. 31. The company is the only legal manufacturer of methaqualone in the U.S. Nine states have passed laws forbidding the sale of methaqualone, and three other states are considering such a change.

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Rev. James McMurtrie of Holy Spirit Church in Annandale, Va. reports in the past 21 years, almost every teenage funeral he has officiated at was an alcohol or drug involved death.

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In October an employee and the owners of a Penguin Feathers store in Fairfax County were arrested after investigators purchased drug paraphernalia at the store. In November, The Truckers Shop was raided by police in Arlington. They confiscated 12 cartons of paraphernalia valued at $25,000, three bags of cocaine, two bags of marijuana, a scale, baby laxatives commonly used to cut cocaine and $140 in cash. Two people were arrested and charged with possession with intent to distribute cocaine, marijuana, and drug paraphernalia. They were released on $1,000 bond. A third person was charged with marijuana possession and released on personal recognizance.

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The Reagan administration's intense efforts have doubled the amount of cocaine confiscated. But the availability of the drug continues to rise as prices go down. Cocaine is lighter and easier to disguise than marijuana and more profitable. Not only have crops been plentiful in the traditional growing areas of Peru and Bolivia but also in newly cultivated areas of Colombia.

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Eleven people were arrested for dealing drugs in and around the Virginia Tech campus. State police narcotics agent, Lee Bradley, said " We only touched the tip of the iceberg."

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Fifteen people, including a Washington lobbyist and a former Riggs National Bank vice president were arrested on charges of an alleged scheme of laundering monies, racketeering, mail fraud and the importation and distribution of cocaine in December.

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At least half of the applicants for guard jobs at the Lorton prison failed the urine test. Almost half of the candidates for firefighter jobs in Washington D.C. fail to pass the urinalysis. The D.C. police Chief reports 35 probationary officers were dismissed for drug use since urine tests were started last year.

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A study of 22,000 service men and women showed that drinking problems have increased significantly during the past two years. Fifteen per cent said they had been drunk or high on the job during the past year. Lowered performance at work because of alcohol was reported by 33%.

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Blue Cross has announced it is about to start promoting expanded coverage for treatment of drug and alcohol abuse including treatment in residential programs.

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Some juvenile offenders in Florida are being offered a "last chance" program as an alternative to going to an adult jail. The closely supervised long term wilderness program located on an alligator infested lake was conceived by a Florida judge. It consists of a combination of isolation and hard physical labor, with a clearly defined system of rewards. Students can earn enough points within 4 or 5 months to be allowed to move to an air-conditioned trailer from the steamy tent which new arrivals are assigned. Besides hard physical labor students attend classes and prepare for high school equivalency tests. Class time is an earned privilege. Points are given hourly and build toward long-range and short-term rewards. The longer-term points are based on a student's attitude. The point system measures progress, determines phase changes, privileges and rewards. So far the program appears to be very effective for many of the boys.

PANDAA COURTWATCH

by Pat Smith

The judge's sentence is certainly the BOTTOM LINE MESSAGE to the community, the user, and the distributor of drugs. During the past year PANDAA's COURTWATCH Committee has been monitoring drug cases in the Fairfax County Circuit Courts. Committee members have collected data on the 201 sentencings they have attended. All of the cases were felony convictions which demand 1 year or more in the State penitentiary. Of all sentencings in this survey only 19% had no time suspended. Of those serving the full time, 74% were for distribution charges, and 26% were for possession charges. The conclusions are based on actual observations. However, since not every case sentenced was monitored, these figures must be considered random observations.

The following schedule gives a profile by judge of the drug sentencings observed from 11/12/82 to 11/15/83.

Judge	No. cases observed	% of sentence suspended	average no. mos. to be served
Jennings, Bernard F.,Chief Judge	19	97.7%	1
Brown, Jr., J. Howe	14	86.1	8.3
Keenan, Barbara M.	12	85.9	11.5
Hancock, Quinlan H.	36	82.4	10
Plumber, Wm. G.	18	82.8	11.5
Bach, F. Bruce	23	72.4	13.3
Millsap, Bruce	21	68.8	21
Jamborsky, Richard	13	53.4	28
Griffith, Lewis H.	29	50.0	35
Fitzpatrick, Johanna	16	40.3	36.5
	201		

The following schedule gives a profile of the types of cases observed:

Drug involved	Distribution	Possession	Manufacture	Total
PCP	47	25	1	73
Cocaine	57	9		66
LSD	22			22
Marijuana	19	10		29
Other drugs	8	1		9
Forged Prescription				2
				201

Of the cases studied 81.3% of distribution cases had some time suspended and 78.1% of those convicted of possession had some of their time suspended. One particular defendant had all time suspended for three cocaine sales that were made while he was on probation for burglary. The most startling observation to us has been the amount of time suspended from sentences and the dramatic variations of suspended times allowed by different judges.

In December the COURTWATCH Committee met with Warren Barry, Clerk of the Court-elect, and recommended that the circuit court computers be programmed to generate a complete analysis of each felony case as it passes through the judicial system from arrest to conviction, sentencing, and appeal if indicated, and make these statistics available to the public.

The COURTWATCH Committee needs more volunteers to do its work. We can use people during any day of the week. No previous experience is necessary. Training will be provided. It's very interesting and fun! Please call Pat Smith, 978-6122 to participate.

SCOTT

My name is Scott, I'm 21 years old. The drugs I've done are pot, alcohol, hash, hash oil, ups, downs, LSD, PCP, crystal meth, cocaine, nitrous oxide, rush, Thai Stick, mescaline, and mushrooms. I began using drugs when I was 11.

My family seemed to be to be a normal family. I lived with both natural parents. My father was an officer in the Air Force, and my mother was a housewife most of my years of growing up. I remember I started getting high off pot, with my best friend. He was 2 years older and I really wanted to be like him. My friend's 16 year old brother did drugs and we would steal his drugs and get high. I did it at first to keep from being called "chicken" or being left out.

For almost two years my parents were not fully aware I used drugs. I was sneaky and a good liar which kept me from getting caught. After my parents realized I was using drugs they sent me to doctors, psychiatrists, and then finally to a psychiatric hospital. I was in that hospital for seven months. There they gave me Thorazine, a mood altering drug. A couple of days after I was discharged, I was using other drugs again. My parents tried to help me in any way they could, but with no success. I kept right on doing more and more drugs.

I use to grow pot in the woods near my friends house, but never enough to sell. I sold drugs to make money but mainly so I could use the profits to get high myself. I would sell speed, hash, cocaine, and pot, mostly at school and around the neighborhood hangouts. When I needed drugs I would buy them mainly at school, but I also could go to the hangouts and wait till a dealer would show up. When I first started using drugs on a regular basis I would spend $15 a week on drugs, but when I got older and had a job I would spend $50 or more a week on drugs and at times $150 a week.

When I was younger I would get high, and then go vandalize, break school windows, and throw rocks at gasoline trucks on the highways. I also have committed several breaking and entries on homes to try and get money for pot, or even steal drugs. I have been arrested for assault on police officers, drunk driving, possession of both pot and alcohol, and also for carrying a concealed weapon (a gun). On several occasions I have spent the night in jail for being drunk and also for shoplifting. When I was in jail I felt angry but I really didn't care. Everyone in the cells supported my behavior, thus giving me the excuse that my actions were normal.

I have seen many doctors and have been in a psychiatric hospital for my drug problem, but made no changes as a result of such treatment. My parents spent large sums of money to help me. Finally at the age of 19, I entered a drug rehabilitation program. I believe the reason I recovered at this program was because I was pressured by my peers to do good things for my life and not negative things. I had to share my past and feelings for specific incidents I had encountered while using drugs. Then I was able to deal with these feelings rather than suppressing them with drugs. The program was designed in levels so that each level helped me regain an area of my life I had lost - self, family, school, work, friends, and law. The program also helped me because it was totally drug free. In the psychiatric hospital I was in I could get street drugs and the staff also gave me prescription mood altering drugs which had the same effect as street drugs.

Since my recovery, my family and I get along well as opposed to the arguments and fights of our past. I work a full time job and I attend 3 classes a week at college night school. I'm saving money and I haven't had any trouble with the law for 19 months. I have good friendships now, but most of all I have a feeling of accomplishment and self worth that I once had lost.

I am a recovered criminal, and all of my crimes were drug and alcohol related. I firmly believe a program like the one I completed could help others like myself and even those who are worse, straighten out their lives. In most cases, the problem is not their behavior but the drug use which causes their behavior.

THE WORLDWIDE BREAD-CASTING CO.

By Penny Philips

The Worldwide Bread-Casting Co. is a ministry which reaches out to people before a drug commitment is made and fosters in them the kinds of personal qualities and spiritual purpose that leads to a drug-free life style.

Programs, featuring songs by Randy Cutlip are a key outreach of Worldwide Bread-Casting Co. Along with his music, Randy relates his personal experiences with drugs and alcohol as an adolescent and as a famous rock star. These programs are highly acclaimed by officials involved in youth development and are offered in churches, schools, military installations, prisons, and rehabilitation centers.

The Worldwide Bread-Casting Co. is a non-profit, non-denominational organization supported by churches, businesses, and concerned individuals. Besides offering Randy Cutlip's programs and music, it provides college tuition funds, clothing, dental care, medical care and transportation to needy young people. PANDAA recently received a very generous contribution from the Worldwide Bread-Casting Co.

Correspondence received by Randy best explains how he has touched the lives of many people. A principal from Nutter Fort, West Virginia: "Randy Cutlip presented the most touching and factual program ever presented at Norwood School. I'm sure everyone in attendance will remember his story and him for the rest of their lives." A student from Ashville, Alabama: "You helped a lot of people that day, including me. People had been trying to influence me and my friends to get stoned, but we turned them down ever since you came to our school."

To have Randy minister in your local area churches, do an anti-drug and alcohol program in your schools or obtain a Randy Cutlip record album please write or call: Jerry Tiahrt, Worldwide Bread-Casting Co., 6978 Conservation Drive, Springfield, Va. 22153; phone, 703-644-1181.

COCAINE

Cocaine is an increasingly popular drug that seems to be taking America by storm. It has been estimated that over 30 metric tons of cocaine appear in this country each year.

In the late 1960s and early 1970s, cocaine was seen infrequently in hospital emergency room patients and coroners' cases. In that era, amphetamine use and abuse was high, and amphetamine was the stimulant of choice for the drug abuser. When the medical literature began to seriously question the medical utility of amphetamines, the drug's manufacture was severely curtailed, and amphetamine abuse began to decline.

During this period, cocaine abuse began to increase. Because the effects of the two drugs are very similar, cocaine gradually replaced amphetamine as the stimulant of choice.

DRUG EFFECTS: Cocaine stimulates the brain and nervous system. The drug enhances the effects and the amount of adrenalin and related chemicals produced in the nervous system and adrenal glands. The effects of cocaine parallel those seen with a surge of adrenalin: dilated pupils, excitation, rapid speech, and increased body temperature. The increase in body temperature may be caused in part by cocaine's direct effect on the temperature centers in the brain. In overdose situations, body temperature may rise to 106° to 107°F.

Cocaine commonly produces euphoria and makes the user feel powerful, able to master any task, and more sensitive to the world around him. With very high doses, however, these feelings may progress to hallucinations and paranoia. High doses may also produce tremors of the hands, arms, and legs, and can cause the user to become disoriented or develop seizures.

Like several other abused drugs, cocaine has been rumored to increase sexual performance. In fact, the drug may allow the user to perform longer sexually by delaying orgasm. Depending on the dose and the individual, this delay may be so long as to result in impotence. Chronic cocaine use can decrease the desire for sexual activity.

There are several valid medical uses for cocaine. These stem from its effect as a local anesthetic and a constrictor of blood vessels. Applied to the membranes of the nose and throat, it permits minor surgery without pain and with a minimum amount of blood loss. In individuals who regularly snort the drug, cocaine's ability to constrict blood vessels can decrease the blood flow to the nasal septum and eventually may even break down the nasal cartilage. More commonly, the continued snorting of the drug results in a reflex increase in blood flow and fluid production in the nose when the drug is not being used. This results in the runny nose and sniffles often found in cocaine users.

Cocaine, commonly available in a salt form, is extracted from the leaves of the coca tree in Peru, Bolivia, and other countries. The route of administration varies. Generally, cocaine is inhaled directly into the nose through a straw or other tube. This is called "snorting". Direct injection of cocaine into the bloodstream is also seen. This practice is more common in individuals used to injecting other drugs such as heroin. Cocaine is also inhaled in smoke from either a tobacco or marijuana cigarette or a pipe. Because the salt form of cocaine does not vaporize well, the smoker often will convert cocaine into the free-base by dissolving it in ether, then removing the salt to which the cocaine was bound by treating it with a water solution of alkali such as bicarbonate of soda. The free-base remains.

Inhalation of the fumes from free-base cocaine smoking has an effect that has been shown to be as powerful as an intravenous injection. "Freebasing" is hazardous, however, since the user often wants to get high as soon as possible and will try to evaporate the ether with a flame. Ether is highly flammable and explosive and has caused many injuries and severe burns to "free-basers". In addition to the hazards of ether explosion during preparation of the free-base, the free-base inhaler has the additional risk of acute respiratory failure such as that seen with intravenous use. Death, when it occurs from cocaine use, is often associated with respiratory failure.

Depending on the method of administration, cocaine's effects can last up to several hours, but the major effect of euphoria is seen only for a short time. The drug has two phases of effects. First, a "rush" or "flash" occurs, producing a high that lasts about 30 to 40 minutes. This is followed by a letdown during which the user may crave the drug intensely and take additional doses. With intravenous use, or with inhaling or smoking the free-base, the effects may be more intense and may last only 15 to 30 minutes before a letdown.

PATTERNS OF COCAINE USE: Often touted as the drug of the wealthy, cocaine no doubt got that reputation from its high cost (usually over $100 per gram). In fact, cocaine is used by white collar workers, blue collar workers, professionals... in short, all segments of the community. In lower socioeconomic groups, crime is often a necessity to pay for the drug.

The U.S. Department of Health and Human Services (HHS) has published the results of an ongoing survey of the mortality and morbidity of drug abuse, and the data on cocaine is alarming. The incidence of death from cocaine use has increased over five-fold since 1975. The statistics on cocaine-related emergencies are similar.

Cocaine use is seen not only among the young, but also in the older age groups. In fact, one recent study showed that over one-third of cocaine-related emergency room visits were for persons over 30 years of age.

DEPENDENCE: Although cocaine does not regularly cause physical withdrawal symptoms, its psychological effects can cause dependence. A noted researcher in cocaine addiction has stated that "the psychological ups and downs are so intense that physical withdrawal symptoms are unnecessary to perpetuate the habit."

DETECTION OF COCAINE IN THE URINE: Cocaine is rapidly metabolized in the liver to several compounds that do not have the parent drug's activity. The parent drug is so completely metabolized that only 1-9% of it appears in the urine. Benzoylecgonine, the major metabolite, is detectable in the urine for two to four days after ingestion of the drug.

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HELP

We prefer to use all of the space in this newsletter for education rather than for advertising. Please send your membership and/or tax deductable donation so we can continue to overload you with information!

DRUG DETECTION

How long after ingestion can a drug be detected in the urine? This is a question frequently asked of Syva technical consultants. To answer this question, we've compiled the following table, which is based on the current scientific literature and, in the case of cannabinoids (marijuana), on clinical trials carried out by Syva.

Since detection times may vary widely from person to person, the intervals listed in this table should be used only as general guidelines. Factors such as fluid intake, method and frequency of the drug's ingestion, the patient's physical condition, and the test method's sensitivity can all affect a drug's detection time in a particular individual.

A list of the literature references used to compile this table is available from Syva upon request.

Drug	Approximate Detection Time
Amphetamines	48 hours
Barbiturates	
Short-acting (seconal)	24 hours
Long-acting (phenobarb)	2-3 weeks
Benzodiazepines	3 days for one
Valium	therapeutic dose
Cocaine Metabolite	2-4 days
Methadone	3 days
Opiates	2 days
Propoxyphene (Darvon)	6-48 hours
Cannabinoids*	
Moderate use-4x's week	5 days
Heavy use-daily smoker	10 days
Very heavy chronic use	20 days or more
Methaqualone (Quaalude)	2 weeks
Phencyclidine (PCP)	8 days

*The detection times listed are for samples tested on the Emit d.a.u. Cannabinoid Assay. The Emit st Cannabinoid Assay, which is less sensitive than the Emit d.a.u. Cannabinoid Assay, has slightly shorter detection times. Many local labs including the American Medical Labs in Annandale and McLean use the less sensitive st method.
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PANDAA BOARD OF DIRECTORS

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DOES YOUR CHILD'S BEHAVIOR PUZZLE YOU?

DO YOU:

- find it difficult to communicate with your child
- make excuses for bad behavior
- blame your spouse for the problems
- argue with your spouse over this child
- blame the school for the problems
- blame his friends for the problems
- blame his friends' parents for the problems
- dread coming home
- avoid being with your family
- find reasons to work on the weekend
- feel powerless
- sometimes wonder if you love him

AT HOME DOES HE/SHE

- avoid the family
- disregard or break rules
- receive mysterious phone calls
- often listen to loud rock music alone
- act rebellious
- have friends you don't like
- have friends you don't know
- argue over nothing
- use bad language
- sleep a lot
- crave sweets
- act secretive
- stay up until all hours
- display declining morals

AT SCHOOL DOES HE/SHE

- arrive late
- skip classes
- cheat
- vandalize
- have declining grades
- blame teachers for problems
- disrespect authority

If you answer yes to some of these questions,

THE PROBLEM COULD BE ALCOHOL OR DRUGS

Your child's life could be in danger
Don't wait, find out now.........

PARENTS OF TEENS

offers you

confidentiality

anonymity

care

Parents who have had a child complete a drug or alcohol rehabilitation program give volunteer time to help you understand what is happening in your family. They will listen to you. They can relate their own personal experience to you. They understand the hurt, anger, fear, and disruption caused by drug and alcohol problems in the family. They will help you, and support you.

CALL 237-8121

A parent is on call 24 hours a day to answer your questions, give you support, mail information to you, and give you specifics on support group meetings. Resource lists for those conducting drug awareness meetings are also available.

COME TO SUPPORT GROUP MEETINGS

You will meet parents and kids who have successfully completed a drug rehabilitation program at these informal gatherings. They care about you and your child. Free literature is available.

LISTEN TO KGTS - 91.3 FM

STRAIGHT TALK RADIO SHOW

TUESDAY EVENINGS - 6:30 to 7:30 p.m.

Bill Burns interviews a guest who is experienced in a specific aspect of substance abuse. Call in with your questions about symptoms of drug and alcohol use, rehabilitation programs, parent awareness groups, etc. The program is produced by the Panel on Drug Awareness (PDA), a non-profit media production company.

DOES MY CHILD NEED HELP?

by Joyce Tobias

When symptoms of alcohol and/or drug use begin to disrupt family and school life, the child is usually already chemically dependent and is in need of professional help. Although the children use many different drugs on various occasions, alcohol and marijuana are the most frequently used drugs. Heroin use is rare among adolescents. The undesirable behavior we are witnessing in our drug involved children is caused mainly by marijuana and alcohol. The goal should be early treatment.

A child's drug use is not the parents' fault. The main cause is peer pressure. The child made his choice to do drugs. His choice to do drugs progressed into the disease of chemical dependency. He needs treatment just as a diabetic child needs treatment. Few parents of diabetic children would withhold treatment because their child did not want injections. Untreated diabetes and untreated chemical dependency are fatal. A characteristic of chemically dependent persons is denial of their disease, and so they rarely seek help. It is the family's responsibility to intervene so recovery can be initiated.

A treatment program should be carefully selected. Recovery from chemical dependency is very difficult and takes a long time, just like breaking a nicotine habit. Group therapy seems to be more effective than individual counseling. A good first step for parents is attendance at one of the free self-help groups listed on page 15. A child who asks for help and is highly motivated may do very well by attending AA every night or an outpatient program. These children's programs will be more successful if their parents attend their own self-help group meetings. The less motivated children will probably require very intensive, long term programs.

CHARACTERISTICS TO LOOK FOR IN A PROGRAM

1. It treats drug and alcohol abuse as a disease rather than as a symptom of a disease. It believes the unacceptable behavior is caused by the chemical use rather than by an underlying cause. It makes the user responsible for his own actions.

2. It promotes an alcohol and drug free life style with drug free counselors. Recreational alcohol or drug use is not allowed. Mood altering prescription drugs are not part of the therapy. Out-patient programs often use urine screening and antabuse to monitor drug and alcohol use. Antabuse is a medication that makes one very ill when alcohol is ingested. Parents have the right to know results of urine tests.

3. It uses the twelve steps of Alcoholics Anonymous or includes AA meetings as a part of its program. These tools for self-change have a long successful history.

4. It provides daily support in the form of group counseling and/or AA meetings for at least 6 months. Aftercare continues on a less frequent basis, often in the form of AA meetings or self-help meetings.

5. At least some of the counselors should be recovered abusers who can relate by personal experience and read through the "cons" of their clients.

6. It provides counseling and education for the total family including siblings. The family learns to recognize and to change its undesirable behavior responses it has developed in response to the abuser's unacceptable behavior. It strives to re-establish good family relationships.

7. The client must learn to live alcohol and drug free in a drug oriented society. After adequate progress in a structured, controlled, drug free environment the client begins a gradual re-entry into society, learning to remain alcohol and drug free at home, school, job, and during leisure time. Therapy continues during re-entry.

RESOURCE LIST

NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH (NFP) Assists in the formation and networking of local parent groups in every state. Member groups less than 15 mos. old are eligible to use NFP's tax exempt status upon completion of proper forms. Membership includes newsletter. Besides pamphlets on marijuana, alcohol, and cocaine, at $6.00/100, NFP offers at $4.00 each: Parent Group/Community Task Force Starter Kit, Education Kit/Public Speaking Manual, Press/Media Guidelines, and Anti-Paraphernalia Kit. Membership - individual - $10.00, group - $25.00. 1820 Franwall Ave., Suite 16, Silver Spring, Md. 20902, tel. local 649-7100 or 800-544-KIDS (toll free hotline).

VIRGINIA FEDERATION OF PARENTS (VFP) - Assists in formation of groups in Virginia, publishes a newsletter, and co-ordinates legislative goals for Virginia. Membership - individual - $5.00, group - $10.00. PO Box 2093, Winchester, Va. 22601. tel. 703-667-6971.

VIRGINIA COALITION OF PARENTS (VCP) - A statewide parent group oriented toward legislative aspects of substance abuse. P.O. Box 4155, McLean, Va. 22103, tel. 703-455-2530

COMMITTEES OF CORRESPONDENCE, INC. - Sends news flashes to parent groups leaders on issues which need action. To be on mailing list write to P.O. Box 232, Topsfield, MA 01983, tel. 617-774-2641.

FAMILIES IN ACTION - Maintains a drug information center. How to Form a Families In Action Group in Your Community - $10.00, an excellent 164 page manual. Drug Abuse Update Newsletter - $5.00/4 issues, is 16 pages of abstracts of articles on all aspects of drug abuse. Full texts of articles available. 3845 N. Druid Hills Rd., Suite 300, Decatur, Ga. 30033, tel. 404-325-5799.

NATIONAL CLEARINGHOUSE FOR DRUG ABUSE INFORMATION (NIDA) List of free publications available. Parents, Peers, and Pot II, a 155 page book, is excellent for awareness programs. Up to 50 free copies can be ordered. Allow 2-4 weeks for delivery. A must for awareness programs. 5600 Fishers Lane, Rockville, Md. 20852, tel. 301-443-6500.

AMERICAN COUNCIL ON DRUG EDUCATION - Excellent publications for sale. 6193 Executive Blvd., Rockville, Md. 20852, tel. 301-984-5700.

FREE CATALOGUES - Offer many good self help, AA, and educational publications. Comp Care Publications, 800-328-3330 and Hazelden Educational Services, 800-328-9288.

MARIJUANA UPDATE - Booklet of 4 Reader's Digest articles, $1.25, reasonable quantity discounts. Permission has been granted for anyone to reprint these articles on their own. Reader's Digest Reprint Editor, Pleasantville, N.Y. 10570 800-431-1726.

ADOLESCENT DRUG & ALCOHOL ABUSE - by Donald I. MacDonald, M.D. A 200 page book written by a pediatrician. Includes: The Epidemic of Adolescent Drug Abuse, Progressive Stages of Drug Involvement, Chemical Dependency, The Drugs, The "Do-Drug Environment, The Susceptible Child, The Parent Revolution, Diagnosis and Intervention, Treatment and Follow-up, Prevention Through Laws and Education, The Role of the Physician. Cost, $13.95. Call 800-621-9262.

GONE WAY DOWN - TEENAGE DRUG ABUSE IS A DISEASE - by Miller Newton, Ph.D. A 72 page book which describes the progression of adolescent chemical dependency. Cost $4.00 includes postage. Send to Joyce Tobias, 4111 Watkins Trail, Annandale, Va. 22003.

COMMUNICATIONS NETWORK HANDBOOK - Free 62 pg. resource on all types of media work for parent groups. Good newsletter information. DHHS Publication #(ADM) 81-981. Office of Communications & Public Affairs, 5600 Fishers Lane, Rockville, Md. 20852.

COURTWATCH MANUAL - 111 page manual explains the court system, criminal justice process, courtwatch activites, and what you can do before and after a criminal is sentenced. Send $2.00 to Washington Legal Foundation, 1612 K St. NW, Wash. DC 20006.

************** HOTLINES **************

Action/Pride National Drug Information Hotline - 1-800-241-9746
National Institute on Drug Abuse - local-443-6500, or 800-638-2045
National Federation of Parents - local, 649-7100, or 800-554-KIDS
Parents of Teens - 237-8121- Washington D.C. Metropolitan Area
Washington Area Council on Alcoholism & Drug Abuse - 783-1300
Alcohol and Drug Hotline - 727-0474
Fairfax-Woodburn Center - 573-5679 - Family & drug abuse emergencies
Families Anonymous Hotline - 804-771-9109 (Richmond)

COMMUNITY SERVICES

AL-ANON & ALA-TEEN - 241-2011 (VA) 882-1334 (MD&DC) - Free self-help groups for the parents, spouses, children, and siblings of alcohol abusers who may also be drug abusers.

ALCOHOLICS ANONYMOUS - 241-8195 (VA) 966-9115 (MD&DC) - Free self-help groups for alcohol abusers who may also be drug abusers. Young peoples groups meet every night.

ALCOHOL REHABILITATION, INC. (ARI) - 841-0660 (Arlington) - Private, non-profit, residential treatment facility for chemical dependency for all ages. Ninety day program.

ALEXANDRIA DIVISION OF SUBSTANCE ABUSE SERVICES - 750-5704

ARLINGTON COUNTY ALCOHOL AND DRUG PROGRAM - 528-0884

ARLINGTON HOSPITAL ALCOHOLISM UNIT - 558-6536 - 28 day, inpatient, alcoholism adolescent (13-18) program and an adult program. Includes assessment of alcohol and drug use, use of AA principals, 4 nights a week family program, and 15 weeks aftercare.

CHEMICALLY DEPENDENT ANONYMOUS - 676-0443 (MD) - Self-help group similar to AA.

DISTRICT OF COLUMBIA SUBSTANCE ABUSE ADMIN. - 727-5443

FAIRFAX COUNTY/FALLS CHURCH COMMUNITY SERVICES BOARD - 281-6420 - County agency whose fees are based on a sliding scale. No service is ever refused for inability to pay. Offers many mental health services. Some are:
Crossroads - 691-2468 - Out patient and small residential drug rehab program for all ages.
Local Alcoholic Services (LAS) - 533-0186 - Outpatient program for alcohol problems.
The New Beginning - 968-7330 - In-house 28 day program for alcoholics.

FAMILIES ANONYMOUS - 620-9353 (Herndon), 460-3839 (Bethesda), 262-4473 (Bowie) Free self-help group for parents of abusers.

HEGIRA HOUSE - 703-343-6332 (Roanoke) - Long term residential program for adolescents and adults. Sliding fee scale. Drug free and uses AA principles. Director recovered addict.

MONTGOMERY COUNTY HEALTH DEPT. DRUG COUNSELING PROGRAM - 565-7729

NARCOTICS ANONYMOUS - 338-7989 (Va.), 459-9355 (Md.), 338-7989 (DC) - A self-help group patterned after the steps of AA.

PRINCE GEORGE'S COUNTY HEALTH DEPT. DIRECTORATE OF ADDICTIONS - 345-2000

RAP, INC. - 462-7500 - (DC) Non-profit, long term, residential program for all ages.

SECOND GENESIS - 683-4610 (VA) 656-1545 (MD) Non-pofit, long term, residential drug rehab program for all ages. Evaluation and screening, individual, group and family therapy, and vocational services are included. Most individuals are eligible for funding.

STEP ONE SERVICES - 273-8885 (Va.) - Private out-patient program. Three counseling sessions per week plus three AA meetings per week. Average length of program is 6 months. Alcohol and drug free status is monitored by use of antabuse and urine screening. Antabuse is a medication which makes one very ill when alcohol is consumed.

STRAIGHT, INC. - 642-1980 (Va.) - A not for profit family oriented drug and alcohol rehabilitation program for youth 12-21. The program utilizes the principles of AA and rational therapy combined in a unique group format. Programs are provided for parents and siblings. Open meetings are held each Monday and Friday evening. To attend an open meeting call 48 hours in advance. Accepts out of town clients.

TOUGHLOVE - 569-8915 (Springfield), 522-9038 (Arlington), 361-7633 (Manassas), 670-9075 (Woodbridge), 530-6718 (Beth.), 577-1038 (Lanham), 635-2169 (DC) - A free self-help group for parents experiencing any kind of behavior problems with their child. Toughlove techniques may help to solve a problem before a child chooses alcohol or drugs as his solution. For a child who is in a rehab program, Toughlove techniques will enhance the program's effectiveness. Anonymity is a strictly enforced rule at Toughlove meetings.

NFP SAYS:
COME ON AMERICA! **STICK YOUR NECK OUT** FOR KIDS AND HELP STOP ADOLESCENT DRUG AND ALCOHOL USE!

PANDAA

PANDAA (Parents Association to Neutralize Drug and Alcohol Abuse, Inc.) was founded at Jefferson High School in Fairfax County, Virginia in April, 1980 by a group of parents concerned about teenage alcohol and drug abuse. The goals of the group are to combat substance abuse in the home, school, and community and to educate the public about all aspects of substance abuse. PANDAA is incorporated and has tax exempt status. There are no salaried personnel. Membership is open to any individual upon payment of $5.00 annual membership dues which includes a subscription to the newsletter. PANDAA is supported solely by dues and donations.

PANDAA publishes an educational 16 page newsletter 5 times a year. Its circulation is 3,000 copies. It is mailed to PANDAA members, state and local legislators, law enforcement personnel, civic leaders, civic clubs, school counselors and principals, PTA presidents, youth leaders, churches, pediatricians, treatment programs, and distributed at awareness meetings, workshops, and conferences.

PANDAA has worked closely with the County School System to strengthen school policies, and educate teachers and administrators about substance abuse.

The PARENTS OF TEENS program offers a listening ear telephone service (237-8121) and regular support meetings for parents in need of help and support in identifying an alcohol or drug problem. Parents are offered care, anonymity, and confidentiality as they try to understand their child's unacceptable behavior patterns and find the professional help they need. Materials on drug information, treatment programs, and resource lists for awareness meetings are distributed.

A Rock Concert committee is attempting to eliminate illegal drug use at rock concerts. The Courtwatch committee observes court cases on a regular basis. PANDAA has worked actively to encourage the passing of legislation regarding substance abuse.

PANDAA
4111 Watkins Trail
Annandale, Va. 22003
Address Correction Requested

Non-profit Organization
U.S. Postage Paid
Annandale, Va. 22003
Permit No. 95

PANDAA MEMBERSHIP

_____ I wish to become a member. Yearly dues $5.00/person, includes 5 issues of 16 page educational newsletter.

_____ I would like to do volunteer work for PANDAA.

_____ I would like to make a donation $_____

NAME _______________________________

ADDRESS _____________________ ZIP _______

PHONE _____________ SCHOOL _____________

Make checks payable to PANDAA. Send to PANDAA treasurer,
Pat Smith, 8612 Thames St. Springfield, Va. 22151, Tel. 978-6022

PANDAA

PARENTS' ASSOCIATION TO NEUTRALIZE DRUG & ALCOHOL ABUSE

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VOLUME V, NO. 4 NEWSLETTER SEPTEMBER 1984

COURTWATCH REPORT

PANDAA continues to monitor trials and sentencings in Fairfax County Circuit Court of cases related to drug sales and possession. Courtwatching is performed by a corps of highly motivated volunteers who spend many hours in court. More volunteers are needed - call 237-8121 to help.

During the most recent six month period ended in May 1984, 130 cases were observed. The statistics are on page 2. Since PANDAA's twelve month statistics were compiled for the period ended in November, 1983 the following trends have developed:

1. Seven judges required significantly more jail time to be served.

2. Only one judge required significantly less jail time to be served.

3. The average jail time to be served rose 18.2% to 1yr. 9 mos.

4. Drug dealers continue to receive less time to be served in jail than do drug users. The average jail time to be served for sale of drugs was 628 days, while the possession cases received an average of 643 days. This particular trend is most disturbing.

A rather disturbing finding is the small number of fines levied. Only 16.5% of drug convictions received a fine. In contrast, of those convicted of pet leash law violations, 100% receive a fine. Is an unleashed pet more hazardous than destruction of our young people's minds by drugs?

A number of aliens have been monitored during this period. PANDAA is concerned that aliens convicted of drug felonies continue to enjoy the privileges of a country who's laws they have defied. In one particular case the judge complied with a defense attorney's request to delay imposition of sentencing for 2 yrs. to avoid a felony conviction for his client's 5 yr. good conduct period required for citizenship. In another case the judge delayed imposition of sentence for 3 mos. and ordered the defendant to learn English so that he could understand his sentence. He received 3 yrs. probation and urine screening for the sale of marijuana.

Our research reveals that 41% of the jail population had been seen in the courts as juveniles. It would seem more effective measures should be taken at the juvenile level.

DID YOU KNOW?

* Virginia law was changed July 1, 1983 to allow a judge to suspend the drivers license for up to one year of any underage person convicted of purchase or possession of alcoholic beverages. This is in addition to a fine for the offense. From Va. Code *4-62, & 4-112(c).

* It continues to be a criminal misdemeanor to take a drink of an alcoholic beverage or to give an alcoholic beverage to any person (whether accepted or not) in a public place that is not licensed by the Virginia ABC Board. From Va. Code *4-78.

* You can be fined up to $100 for drinking or possession of any alcohol on school grounds during school hours or any school activity. From Va. Code *4-78.1.

* You can be fined up to $1,000. and/or be put in jail for up to 1 year if you purchase alcoholic beverages for anyone under 19 years of age. From Va. Code *4-112.1(a).

* If your minor child is abusing driving responsibilities, you can have his license suspended and request that no duplicate be issued.

DRUG RING GETS OFF EASY

On April 6, 1984 Brett Overcash, Nicholas Kopack, and Jaime Garcia were sentenced in Fairfax County Circuit Court for involvement in two sales of unusually high quality cocaine, valued at $8,350 and weighing over one-fourth pound. A fourth man, Gustavo Deleon, was sentenced on March 23, 1984. The defendants were characterized by assistant Commonwealth's attorney Richard MacDowell as "key figures in the distribution of cocaine in Fairfax County." All pled guilty to sale of a controlled drug.

In the investigation following the defendants' arrest, Nicholas Kopack cooperated fully with authorities. In a 20 page statement he described the group's drug operation. Brett Overcash was named as the principal street salesman. Mr. Overcash was in fact involved in three sales of cocaine to undercover policemen over a period of three weeks (September 21 to October 6, 1983). Mr. Kopack stated that Jaime Garcia, a native of Columbia, was the courier in the operation. He had contacts in Maryland and was able to purchase almost pure cocaine and transport it to Virginia. Mr. Kopack and Mr. Deleon cut and packaged the drug for distribution.

They received the following sentences:

Jamie Garcia, the courier, received 5 years in the penitentiary all of which were suspended, 3 years active probation, $1,000 in fines and restitution. He was released immediately after his sentencing. Judge Bernard Jennings presided.

Nicholas Kopack, a cutter and packager, received 5 years in the penitentiary with 4 of the years suspended, 3 years active probation, $2,550 in fines and restitution, and must complete a drug education program at Crossroads. On June 2, 1984, 8 weeks after sentencing, he was released from jail. Judge William Plummer presided.

Gustavo Deleon, a cutter and packager, received 10 years in the penitentiary with 9 of the years suspended, 3 years active probation, and must perform 400 hours of community service. On May 30, 1984, 10 weeks after sentencing, he was released from jail. Judge Lewis Griffith presided.

Brett Overcash, the street salesman, had several charges. For the first charge he received 5 years in the penitentiary with 4 of the years suspended, 3 years active probation, and a $1,000 fine. The second charge was not prosecuted. The third charge received 10 years in the penitentiary, with 9 of the years suspended. The remaining year is to be served concurrently with the first charge. There was also a $1,000 fine. For a fourth charge of grand larceny which involved a weapon he received 1 year in the penitentiary which is to be served consecutively with the other charges. After serving 6 months in prison, Mr. Overcash will be eligible for parole after October 6, 1984. Judge William Plummer presided.

Why do defendants serve so little of the jail time they are sentenced to?

* Virginia code #53.1-159 provides that each person sentenced to the penitentiary shall be discharged on parole when six months remain in the person's sentence until his date of final discharge. Each person must serve a minimum of 3 months of his sentence.

* Time off for good behavior allows ten days off for twenty days of good behavior.

* At the discretion of the judge, jail time served before sentencing can be credited to jail time to be served after sentencing.

PANDAA COURTWATCH STATISTICS

JUDGES	Cases moni-tored	12 mos ended 11/83 % of time SERVED	12 mos ended 11/83 % of time SUSPENDED	Cases moni-tored	6 mos ended 5/84 % of time SERVED	6 mos ended 5/84 % of time SUSPENDED	DEFENDANTS No. of	DEFENDANTS 64.1% ordered to jail	DEFENDANTS assigned probation	DEFENDANTS evalue./treatment ordered	DEFENDANTS 5.8% probation only, no jail	DEFENDANTS 30.1% all jail time suspended	CASES fines imposed	CASES fines sus-pended	CASES commu-nity serv	CASES average time served
F. Bruce Bach	21	27.4%	72.6%	15	36.4%	63.6%	11	10	7	2	1	1[a]				1yr,2mo,25d
J. Howe Brown, Jr.	16	13.7	86.3	12	38.0	62.0	9	7	4	2	0	3[b]				1yr,8mo,15d
Johanna L. Fitzpatrick	16	59.7	40.3	10	-0-	100.0	11	0	7	2	1	10	$6,000	$1,500	900 hr	-0-
Lewis H. Griffith	29	50.0	50.0	22	59.3	40.7	13	12	10	6	0	4	6,275		400 hr	3yr,1mo,18d
Quinlan H. Hancock	36	17.6	82.4	10	41.5	58.5	7	5	4	3	0	2				1yr,8mo,12d
Richard J. Jamborsky	13	48.6	51.4	13	33.1	66.9	9	8	8	2	0	2[d]	3,300			1yr,6mo, 1d
Bernard F. Jennings	19	2.3	97.7	9	73.5	26.5	7	5	1[c]	0	0	1	2,500			2yr,9mo,10d
Barbara M. Keenan	12	14.1	85.9	9	29.4	70.6	10	7	6	4	2	1				1yr,9mo,17d
Thomas J. Middleton	0	-0-	-0-	8	18.5	81.5	7	5	3	3	0	3[b]	400			7mo,15d
William G. Plummer	18	19.2	80.8	14	20.8	79.2	12	7	11	7	1	4	8,000			9mo,13d
Jack B. Stevens	0	-0-	-0-	8	17.4	82.6	7	2	3	5	1	0				6mo.
Burch Millsap	21	51.2	48.8	Left	the	bench										
	201			130			103	66	64	35	6	31	$26,475	$3,500	1300hr	1yr,9mo.

a. Assigned to CDIP - This is a special program in which the prison sentence is suspended. The defendant is placed on probation, and a diversion plan is negotiated which may include financial restitution, community service, drug rehabilitation, urine screening, job counseling, etc.

b. Two persons were assigned to CDIP.

c. Another defendant was not given additional probation and his prison sentence was completely suspended, even though his crime was committed while he was on probation.

d. This person was part of a major cocaine distribution ring in Fairfax County.

CASES CLASSIFIED BY DRUG, DISTRIBUTION (SALE) OR POSSESSION CHARGES, AND JAIL TIME TO BE SERVED BY YEAR/MONTH

JUDGES	COCAINE SALE	COCAINE yr.mo	COCAINE POSS	COCAINE yr.mo	PCP SALE	PCP yr.mo	PCP POSS	PCP yr.mo	MARIJUANA SALE	MARIJUANA yr.mo	MARIJUANA POSS	MARIJUANA yr.mo	LSD SALE	LSD yr.mo	LSD POSS	LSD yr.mo	HEROIN SALE	HEROIN yr.mo	HEROIN POSS	HEROIN yr.mo	OTHER SALE	OTHER yr.mo	OTHER POSS	OTHER yr.mo
F. Bruce Bach	3	5.05	1	0.02	6	10.06	1	0	-	-	-	-	2	1.06	-	-	-	-	-	-	-	-	-	-
J. Howe Brown, Jr.	4	14.00	1	1.06	5	4.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1.00	-	-
Joanna L. Fitzpatrick	6	0	1	0	-	-	-	-	3	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lewis H. Griffith	4	2.06	1	12.00	2	6.00	-	-	6	16.01	1	8.00	5	8.00	-	-	2	16.00	1	8.00	-	-	-	-
Quinlan J. Hancock	3	9.00	1	4.00	1	.06	-	-	2	.06	-	-	-	-	-	-	-	-	-	-	-	-	3	3.00
Richard J. Jamborsky	3	4.00	1	1.00	-	-	-	-	7	4.03	-	-	1	2.00	-	-	1	8.00	-	-	-	-	-	-
Bernard F. Jennings	3	10.00	-	-	-	-	3	5.00	-	-	-	-	-	-	-	-	2	10.00	-	-	-	-	-	-
Barbara M. Keenan	2	5.08	2	0	1	10.00	1	0	1	0.04	1	0.02	-	-	-	-	-	-	-	-	-	-	-	-
Thomas J. Middleton	3	4.00	-	-	1	0	1	0	2	1.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-
William G. Plummer	3	3.00	3	1 day	3	4.00	-	-	2	2.00	-	-	2	2.00	-	-	-	-	-	-	-	-	-	-
Jack B. Stevens	1	0	-	-	-	-	-	-	3	4.00	-	-	-	-	1	0	-	-	-	-	1	0	-	-
TOTALS	35	57.07	11	18.08	19	35.00	6	5.00	26	28.02	2	8.02	10	13.06	1	0	5	34.00	1	8.00	2	1.00	3	3.00
AVERAGE JAIL TIME/CASE		1.08		1.08		1.10		.10		1.01		4.00		1.04		0		6.10		8.00		0.06		1.00

	SALE %		POSS %		REVOCATION OF PREVIOUSLY SUSPENDED TIME	
TOTAL CASES	97	74.6%	24	24.7%	9	0.7%
TOTAL JAIL TIME	169yr, 3mo		42yr, 10mo		19yr	
AVERAGE JAIL TIME	628 days		643 days			

ROCK MUSIC — WHAT'S THE BEEF?

by Nancy Kavalieratos

Did you know that something happened 20 years ago that changed rock and roll music? Do you remember how our parents used to say the music was no good, that it was evil, or too loud, or worse? We heard this for so long we stopped being angry and ignored their criticisms of the music we enjoyed.

When I began to listen to the music my children were listening to, it sounded different than my fond memories. As I paid more attention to the music I became more upset and began studying the music, looking at the record jackets, reading trade magazines and other materials on the subject. I became concerned not only about the physical effects of such loud music but also the emotional effects of the song lyrics I was hearing. I would like to share with you what I have learned and mention resources for you to do your own research and make your own judgements.

The November 16, 1982 issue of the New York Times carried an article titled "Noise Poses a Growing Threat, Affecting Hearing and Behavior". They stated, "In trying to track a suspected Soviet submarine last month the Swedish Navy had difficulty finding sailors who could hear well enough to operate the listening devices. The hearing of vast numbers of young people, a Navy captain said, apparently has been permanently damaged by years of listening to loud rock music." Other examples were cited of widespread hearing loss among college students who have years of loud rock music behind them. Studies suggest that other affects of loud noise such as rock music may trigger a wide variety of stress-related reactions including raised heart rate and blood pressure, constricted blood vessels, contracted muscles, as well as psychological effects such as tension and anxiety, noise related learning difficulties, irritability, fatigue, reduced work efficiency, increased accidents and errors, and socially undesirable behavior.

Dr. John Diamond explains in his book, Your Body Doesn't Lie, that about 20 years ago a new "beat" was introduced to "rock and roll" music which took the "roll" out of the music. The beat goes da-da-DA, known in poetry as the anapestic beat. The anapestic beat stops at the end of each bar or measure, halting the flow of the music. The anapestic beat is the opposite of the dactylic or waltzlike, even-flowing, DA-da-da beat of the heart, and is apparently counter to the body's normal physiological rhythm. When the anapectic beat is played at the same count as the heart beat it is disconcerting; when it is played faster it causes anxiety, tension, irritability, and irrationality. Dr. Diamond writes of a factory which manufactures sophisticated electronic equipment and played rock music on its continual music broadcast system for its employees. The management changed to different music and found an immediate increase in productivity and a decrease in errors, even though the employees were quite vocal about their dissatisfaction at having had their favorite music removed.

Rock and roll has always been about growing pains, rebellion, and even social protest, but in its early days it never told us to do drugs, drink alcohol, kill our parents, alienate ourselves from our family, and when you can't cope to kill yourself. Today, along with a constant repetition of a synchopated beat, the words of many of the songs invite our children to take drugs, become sexually active, rebel against authority, alienate themselves from family, embrace Satanism, and that the solution to problems is violence or suicide. In the last 20 years, young people's (10-24 yrs.) suicide rate has increased 1,000%, and this is nearly all in white, middle or upper income bracket families.

You can read what rock stars have to say and what their songs say by reading industry magazines such as Rolling Stone, Circus, Creem, and Hit Parader. The titles alone of many of the songs and names of the groups depict what rock music has come to stand for. Here's some examples:

Chrissie Hynde of the Pretenders was quoted in 16 Magazine March/April 1984: "It's synonymous with rock 'n roll, this drug business." Randy Cutlip, a former rock musician and recovering drug user calls drug use by rock musicians an extremely effective advertising scheme for the sale of illegal drugs. Their messages are probably far more important to children than anything ever said by their parents. Besides their blatant personal use of drugs the musicians often play songs whose names and lyrics promote drug use: Glen Frey of the "Eagles" says, "I'm only in music for the sex and narcotics." Linda Ronstadt says, "I can sing much better after shooting smack (heroin) in both arms than after eating too much." Lyrics to "High and Dry" by Def Leppard include, "A Saturday, I feel right. I've been drinking all day. Yes, I got a date, a midnight ride... I got my whisky. I got my wine, I got my woman and this time the lights are going out..." Songs by the Rolling Stones include "Sister Morphine", and "Sweet Cousin Cocaine". "Snow Blind" by Styx is about cocaine addiction. A Doobie Brothers' album inside cover is a very large picture of a marijuana roach (butt). "Doobie" is slang for a marijuana roach.

David Lee Roth of the Van Halen group refers to himself as the "recreational director for the immoral majority". He has stated, "I've always looked at Van Halen as a role model for kids. We're anti-heroes and that suits me fine. I've always been a problem child. It's just that now I'm getting paid for it."

Motely Crue's Nikki Sixx's advice to the youth of America is: "Live fast, die fast, get as rude as possible and don't let anyone tell you how to live." Describing one of the group's albums he says, "The album 'Shout At the Devil' says that the Devil represents any authority that tells you what you can do or what you can't do. It can be your parents, your teachers, or your boss. We're saying shout at that f---er, don't let them get you down." Their song "10 Seconds to Love" is about quickie sex in an elevator. Violence is promoted in another song, "Bastard" with the lyrics, "Out go the lights. In goes my knife. Pull out his life."

Circus magazine describes the song "Now You See It, Now You Don't" by Ozzie Osbourne: "What begins as a heavy, Sabbath-style rocker expands into something more memorable, as the shamelessly carnal lyric transforms the accompaniment into a musical portrait of pornographic sex. You can almost feel the bedsprings bounce as Ozzy (Osbourne) chants out a verbal "kama sutra" of no-holds-barred sparring: 'I've got something that you can conceal, now you see it, now you don't....' "

Violence is depicted in "I Kill Children" by the Dead Kennedys, "Let's Molest Ten-Year Olds" by Blood Lust, and "Killing Children" by Certain Death.

"Don't Forget the Reaper" counsels teenage suicide pacts.

Our kids can learn about sado-masochism from "When the Whip Comes Down", "Tie You Up", "Black On Blue" by the Rolling Stone; "Sweet Pain" by Kiss; "Savage Grace" and "Leatherbound" by Bitch.

Jimi Hendricks said, "Music gets them weak and we can preach anything we want into their subconscious." I am not saying that if there was no "rock" there would be no problems. But many believe that the music intensifies existing problems, and sets kids up for rebellion and anger at younger and younger ages. Many of the bands, Kiss, Boy George, Prince and others are aiming their selling campaigns to 7,8,and 9 year olds. Do you believe that the safest place your son or daughter can be is in their room with their stereo, radio, or walk-man on? To learn more about rock music attend the program highlighted on this page. If you would like to have a program presented to your PTA or church please call Nancy Kavalieratos at 281-0819.

PARENTS FOR DRUG FREE YOUTH
OF HERNDON/RESTON

JOINS WITH
THE HERNDON COMMUNITY CENTER

TO PRESENT

ROCK MUSIC WHAT'S THE BEEF?

Does it promote alcohol & drug abuse,
violence, suicide, satanism?

A slide show by Jeff Ling with many of the popular hits, quotes from performers, and a recorded accompaniment touching on backward masking.

HERNDON COMMUNITY CENTER,
814 Ferndale Ave., Herndon
across the street from the golf course

SATURDAY, OCTOBER 20th at 7:00 pm.

FREE - OPEN TO THE PUBLIC

Contact person: Ron Foust - 938-1104

HELP

We prefer to use all of the space in this newsletter for education rather than for advertising. Please send your membership and/or tax deductable donation so we can continue to overload you with information!

VFP CONFERENCE

VIRGINIA FEDERATION OF PARENTS
FOR DRUG FREE YOUTH

PRESENTS CONFERENCE

FOR PARENTS AND PROFESSIONALS

NOVEMEBER 9 & 10, 1984

HOWARD JOHNSON'S IN RICHMOND

For information-call 804-320-8778 or write
VFP, P.O. Box 279, Chesterfield, VA 23832

Keg Party Squelched

Some time in April the rumors were rampant in Lake Braddock Secondary School that there was to be a "6 keg" party at a student's home. Students heard about it, school authorities heard about it, and so did parents.

School authorities and a number of parents advised the commander of the local police sub station. As promised by Col. Carroll Buracker, Fairfax County Chief of Police, a police officer was dispatched to the home to notify the parents in advance of the rumored party. The parents were out of town. A 22 year old sister was aware that a party was planned. She stated that 2 kegs were to be available, and only invited guests would be admitted. She was advised of her responsibilities and that the police would be constantly patroling the area for any violations.

The night of the party arrived. When the high school student and his 22 yr. old sister realized that more than invited guests were arriving, they voluntarily disbanded the party. The police had served their community well and were free to protect us elsewhere.

****

One evening in July at about 11:30 p.m. a Fairfax County couple passed a teenage pool party as they were approaching their home. There were teenagers with beer cans in their hands staggering in the street. The couple became very concerned that this party would put a good number of drunk drivers on the road. They called the police who arrived on the scene within 15 minutes and dispersed the party. The anonymity of the person who reported the party was protected by the police. The police will help us if we stick our necks out! Let's all co-operate to keep our kids sober and drug free! Thank you Fairfax County's finest!

LET'S GO FOR 21

by Connie Kepner

Thanks to all of you who participated in the massive efforts across this nation to achieve a National minimum "21" drinking age law! Our legislators heard the pleas from groups such as PANDAA and MADD and "21" was passed by both the House and the Senate by an overwhelming majority. The "21" law is an ammendment to the Transportation Act that gives states the option to enact a "21" drinking age for all alcohol within the next 2 years or loose 5% of their highway funds in the third year, and 10 % in the fourth year. For Virginia, that means a loss of $12 million and $24 million respectively.

The National Transportation Safety Board has predicted that at least 34 young Virginians in the 17 to 20 age group will die each year Virginia does not enact "21". PANDAA is not only concerned about teenage driving and drinking, but also teenage drinking. Approximately 3.3 million teenagers have problems with alcohol, the most widely used DRUG in America. The July 7th issue of the Washington Post reported that "increasing the drinking age to 21 may cut the sales of some bars and restaurants in the Washington area 10 to 50%". That's an awful lot of profit coming from 18, 19, and 20 year old customers!

What are the chances Virginia will go to "21"? Whether this dollar loss is sufficient to persuade our Virginia Legislators depends on the message that is received by the Senate Social Services and Rehabilitation Committee which has consistently killed "21". We also need active support from Governor Robb who withdrew last year from the fight for "21" for reasons unknown.

Although we have won a major battle on the national level, the war with the boose lobbyists is far from over in Virginia. It is sad that wanting to save lives wasn't sufficient to motivate our leadership in Richmond. We ask you again to write to your Virginia State Senator and Delegate and to Governor Charles Robb, c/o Secretary of the Commonwealth, PO Box 1B, Richmond, VA 23201. Please send your letters soon!

In Memory of John

On May 20, 1984 John Shelton, age 30, died of a drug overdose. Hoping to help other families prevent such a tragic loss, John's family asked friends and relatives to give contributions to PANDAA in lieu of flowers. We are so grateful to John's family for their thoughtfulness. Contributions have totaled over $1,100.

John's family began to recognize that he was using alcohol and drugs in 1970 when he was about 16. In the early years of John's drug use there was very little professional help available. His brother, a doctor, and his sister, a divinity student, worked extensively with him. John had much support from his close knit family but he rejected his family and erected a barrier which took many traumatic years to break through. Several months before his death he completed a rehab program, and bonded with his family. The last three months of his life were happy ones for him. Unfortunately he began to see old friends and on May 20th he was found dead of an overdose. We offer our prayers for John and his family.

* * * * * * * * * * * * * * *

SERENITY PRAYER

God grant me the serenity
To accept the things I cannot change,
Courage to change the things I can,
And wisdom to know the difference.

NOTICE

This newsletter or parts of it may be reprinted with acknowledgement. Material is copyrighted. Anyone may contribute articles which will be used and edited at the discretion of the editor and will become the property of PANDAA, Inc. Mail to the editor, Joyce Tobias, 4111 Watkins Trail, Annandale, Va. 22003, tel. 703-256-2461.

CALL THE ABC

The Virginia Department of Alcohol Beverage Control (ABC) has instituted a toll-free number to report suspected violations of alcohol control laws. The number for the 24 hour, 7 day a week service is 1-800-552-3200 The Department urges citizens to call. Know the name, address, and town where the violation occurred.

Raise Alcohol Tax?

from Committees of Correspondence

Recently a bill was introduced into the Pennsylvania State Legislature that would increase the Pennsylvania tax on alcohol from 18% to 20%, raising the cost of one drink less than a penny. This bill may be used as a model by other states. It seems it would be a wise investment for our state.

The model bill provides that the monies raised will go to:

1. Prevention, education and early intervention of alcohol abuse.
2. Study of the problem.
3. Treatment and rehabilitation of persons addicted to alcohol or other drugs.

WHY ARE THESE FUNDS NEEDED?

1. Funds for drug and alcohol prevention, intervention and treatment have been reduced through a combination of inflation and Federal Block Grant cuts.
2. Only a small number of those in need of treatment are presently being served.
3. New drunk driving legislation is increasing the demand for evaluation, referral, education and treatment.
4. The Chemical People Project has heightened public awareness of drug and alcohol problems and increased the demands on the existing system for prevention, education, intervention and treatment services.

WHY A TAX ON ALCOHOL?

1. 50% of all alcohol produced is consumed by problem drinkers.
2. The tax allows for the generation of additional revenues as consumption increases.
3. The tax would raise new revenue to apply to these problems without draining other existing state resources.
4. The tax would generate enough money to restore the level of funding to drug and alcohol programs to where it was in 1977.

A recent study by the National Institute on Alcohol Abuse and Addiction (NIAAA) places the cost of untreated alcohol problems to the nation at 43-48 billion dollars annually.

To receive a copy of this model bill, HB 1740 contact: Alcoholism & Addiction Association of Pennsylvania, Host Inn, Suite 111, 4751 Lindle Road, Harrisburg, PA 17111; ph, 717-939-9821.

FREE AWARENESS PROGRAMS

Every Friday, a lunch time Alcoholism Workshop is held from 11:30 to 12:30 at 5249 Duke St., Suite 410, Alexandria, 22304, near the Landmark Shopping Center. this is a continuing program of films, lectures, and discussions on the many aspects of alcoholism presented by the Outpatient Office of the Alexandria Alcoholism Services Program. FREE! Bring your own lunch--coffee will be available. For further information, call Alcoholism Services at 370-0815.

SEPTEMBER CALENDAR

7 - Someone Help Me!
(AA,Al-Anon,Al-Ateen, ACOA)
14 - Sexual Impact of Alcoholism
21 - Drinking and Driving
28 - Substance Abuse the Family Trap

OCTOBER CALENDAR

5 - The Progression In Alcoholism
12 - Intervention
19 - The Recovery Process
26 - Medical Problems From Drinking

PANDAA NEWS

PANDAA was founded 4 yrs. ago in April, 1980. At that time we knew very little about drug and alcohol abuse. We only knew that our kids seemed to be able to get alcohol and drugs if they wanted them despite any restrictive measures we as parents used. Many of us who had chemically dependent children eventually found effective treatment for them. We spent much time learning every aspect of this problem and we continue to learn more. With our knowledge and dedication we have brought about many changes in our community. We want to thank everyone who has helped us. The past year has been especially productive.

Our newsletter circulation has increased from 3,000 to 5,000. Our mailing list is computerized thanks to the programing of Tom Tobias. Gene Wallace, our printer, has given us discount printing prices, and Alexandria Independent Mailers have been labeling, sorting, and bundling our mailings for us free of charge. These dedicated friends have relieved us of countless hours of work.

PANDAA is especially proud of its 9 month effort which ended in good strong substance abuse regulations being passed by the Fairfax County School Board. The County's new program was presented at the White House and claimed as a model for the Nation by Mrs. Reagan.

Pat Smith's COURTWATCH committee published its first set of statistics last January and its second report in this newsletter. As a result of these reports, several issues are being researched by U.S. Congressmen, Virginia Delegates, and other officials working in the area of drug trafficking. Our statistics are being computerized by Tom Tobias. We need more COURTWATCHERS to help us with more detailed research that is being requested of us.

Last November we initiated a new service called PARENTS OF TEENS. It is a listening ear service for parents who are perplexed by their children's behavior. The service is manned by 20 dedicated volunteers who have all lived through a drug problem with a child. Jane Lyle supervises this service. We are especially grateful to the Worldwide Bread-Casting Co. for financing the printing of a PARENTS OF TEENS brochure and one issue of the newsletter.

Many task forces formed in our County after the Chemical People TV show. Judy Nelson co-ordinates these task forces, and works very closely with Dennis Nelson the School System's Substance Abuse Co-ordinator. Judy conducted a Parent Pledge Campaign among the task forces. She obtained public support from newpapers, local politicians, the School Board, and local college presidents. The pledge commits parents to conduct only chaparoned alcohol and drug free parties in their homes. The pledge campaign will continue on a large scale basis throughout the County School System. Watch your PTA newsletters for the pledge, take a stand, and send it in! Delores Bucknam is the new PANDAA representative on the Fairfax County Council of PTA's.

In January we had a fruitful meeting with Fairfax County Chief of Police, Col. Carroll Buracker, and discussed the issues of keg parties and pot smoking occuring at certain movie theaters. We left with a commitment of action from him which he has stuck to.

Thanks to Nancy Kavalieratos' program on rock music, there was a record breaking crowd of 300 people at our annual membership meeting in May. Nancy and Jeff Ling will continue to do programs on request.

A major goal for this year is the publication of our handbook for parents. To accomplish this we must find additional funding. The handbook is being written by parents who have experienced a drug problem in their family. It will include prevention, recognition, and treatment of a drug problem, information on all of the drugs and the drug culture, personal stories, tips on forming a parent group, and civic actions for individuals and parent groups.

We give special thanks for generous financial contributions from The Junior Women's Club of Fairfax, the Service League of Northern Virginia, the Knights of Columbus-Fairfax Council, and the John Shelton Memorial Fund.

The election at our May annual meeting brought about changes in our Board of Directors. We give many thanks to our out-going members: Larry Sasscer, a founding member and board member for 4 yrs., and secretary for 2 yrs.; Penny Philips, a board member for 2 yrs., president of PANDAA the past year, and chairman of the Rock Concert committee; Christa Malone, a board member for 2 yrs. and treasurer for 1 yr.; Judy Nelson, a board member for 1 yr. and Chemical People Task Force Co-ordinator. On-going members include Connie Kepner, legislature chairman; Pat Smith, PANDAA president and COURTWATCH chairman; Joyce Tobias, vice-president and newsletter editor. New board members include Jack Slapcinsky, treasurer; Ted Davenport, secretary and school liason; Larry Jenney; Beth Ostrolenk;

HALLUCINOGENS

Hallucinogens, often called psychedelics, affect perception, sensation, thinking, and emotions. The user may have difficulty distinguishing between fact and fantasy and may refer to seeing sounds or hearing colors. Other possible effects may include dilated pupils, incoherent speech, lack of coordination, cold, sweaty hands and feet, vomiting, laughing, crying, shivering, goose pimples, irregular breathing, a strong body odor, and suicidal or homocidal tendencies. Chronic use can cause brain damage. The effects may be different in each person with each administration. Persons in hallucinogenic states should be upset as little as possible to keep them from harming themselves or others.

PCP

Pencyclidine or PCP is the most commonly used hallucinogen. Many authorities consider it to be the most dangerous of all drugs including heroin. Because it is so easily and inexpensively produced in bootleg laboratories, it is often sold as another drug, especially LSD. It is sold as a liquid, a white powder (angel dust), crystals, or in pills called "hogs" or PeaCe Pills. PCP can be taken orally or injected but smoking it after being sprayed on cigarettes, parsley or marijuana is the preferred route. The liquid is sometimes dropped in the eye for faster absorption. This can damage the eye. PCP has the odor of ether. One ounce of PCP yields 30-40 dime ($10) bags or foil packets. When sprayed on marijuana it costs about $15 for one fourth of a teaspoon. Some slang terms for PCP include KW, killer weed, green, tac, DOA (dead on arrival) rocket fuel, supergrass, and elephant tranquilizer. PCP sprayed on marijuana is called lovely or loveboat.

Diagnosis of PCP use is frequently missed because the user often looks normal, yet PCP can cause very violent and bizzare behavior, injuring the user or those around him. There are several reasons for this. Physical strength can be greatly increased under the influence of PCP. Police report incidences of users breaking handcuffs and becoming very violent. The drug is an anesthetic and numbs the user so he does not feel physical harm he may do to himself. The drug is also an amnesic so the user may not remember what he did under the influence of the drug. More deaths are caused by the resultant behavior then from the physical effects of the drug. Psychotic behavior may continue for as long as 2 weeks after a single dose. Some adolescents are smoking PCP on a daily basis. When combined with marijuana on a daily basis the user can barely function.

LSD

Lysergic acid or LSD is once again a poplular street drug. It is a very difficult and dangerous drug to manufacture. For this reason PCP is often sold as LSD. It is odorless, colorless, and tasteless. Doses of LSD are miniscule - an aspirin sized tablet makes 2 million hits and is worth $600,000. LSD requires very careful handling since it is absorbed through the skin when touched. It is sold in the form of tablets, thin squares of gelatin ("window panes"), and impregnated paper ("blotter acid"). The window panes can be put in the eye under the eyelid for quick absorption and quick removal of evidence of possession. The blotter acid often looks like stamps which have pictures or Disney type characters (especially attractive to children) on them. It is put on the tongue or licked. Drops of LSD can be frozen in ice cubes or dropped into someone's drink unknown to the recipient. Some slang terms for LSD are acid, green or red dragon, paper acid, white lightening, blue heaven, purple haze, sugar cubes, and blotter acid.

LSD is stored in the fatty tissue of the brain and slowly released back into the bloodstream. This can cause the user to experience "flashbacks", which are the recall of unpleasant effects of the drug weeks or months after the last dose.

MESCALINE

Mescaline is the active ingredient of the peyote cactus and is used as part of the religious rites of some American Indian tribes. It is sold as Peyote buttons which are sliced off the plant and dried to form a hard brown disc. The buttons are chewed and swallowed and have a very foul taste. It is very irritating to the eyes requiring the protection of sunglasses for a week after usage. Synthetic mescaline is rarely found on the streets because of its very high cost. A drug sold as mescaline is usually PCP.

MUSHROOMS

Psilocybin and Psilocyn are derived from certain mushrooms which are brewed in a tea. The taste is very unpleasant. They are chemically related to LSD. Kits are available for growing them through drug culture magazines. Substances sold as mushrooms usually are PCP.

* * Easy Does It * * Let Go and Let God * * One Day at a Time * *

DOES YOUR CHILD'S BEHAVIOR PUZZLE YOU?

DO YOU

find it difficult to communicate with your child
make excuses for bad behavior
blame your spouse for the problems
argue with your spoouuse over this child
blame the school for the problems
blame his friends for the problems
blame his friends' parents for the problems
dread coming home
avoid being with your family
find re sons to work on the weekend
feel powerless
sometimes wonder if you love him

AT HOME DOES HE/SHE

avoid the family
disregard or break rules
receive mysterious phone calls
often listen to loud rock music alone
act rebellious
have friends you don't like
have friends you don't know
argue over nothing
use bad language
sleep a lot
crave sweets
act secretive
stay up until all hours
display declining morals

AT SCHOOL DOES HE/SHE

arrive late
skip classes
cheat
vandalize
have declining grades
blame teachers for problems
disrespect authority

If you answer yes to some of these questions,

THE PROBLEM COULD BE ALCOHOL OR DRUGS

Your child's life could be in danger
Don't wait, find out now..........

PARENTS OF TEENS

offers you

confidentiality

anonymity

care

Parents who have had a child recover from an alcohol and/or drug problem give volunteer time to help you understand what is happening in your family. They will listen to you. They can relate their own personal experience to you. They understand the hurt, anger, fear, and disruption caused by drug and alcohol problems in the family. They will help you, and support you.

CALL 237-8121

A parent is on call Monday thru Friday from 9 a.m. to 3 p.m. to answer your questions, give you support, and mail information to you. Resource lists for those conducting drug awareness meetings are also available. The area code for callers outside the Washington DC area is 703.

LISTEN – WGTS 91.9 FM
STRAIGHT TALK
RADIO SHOW

TUESDAY EVENINGS – 6:30 to 7:30 p.m.

Bill Burns interviews a guest who is experienced in a specific aspect of substance abuse. Call in with your questions about symptoms of drug and alcohol use, rehabilitation programs, parent awareness groups, etc. The program is produced by the Panel on Drug Awareness (PDA), a non-profit media production company.

*****HOTLINES*****

National Federation of Parents
  local - 649-7100, or 800-366-KIDS
Pride Drug Information - 1-800-241-9746
National Institute on Drug Abuse
  local - 443-6500, or 800-638-2045
National Cocaine Hotline - 1-800-COCAINE
Fairfax-Woodburn Center - 573-5679
  Family and drug abuse emergencies
Families Anonymous-Richmond-804-771-9109

DOES MY CHILD NEED HELP?

by Joyce Tobias

When sypmtoms of alcohol and/or drug use begin to disrupt family and school life, the child is usually already chemically dependent and is in need of professional help. Although the children use many different drugs on various occasions, alcohol and marijuana are the most frequently used drugs. Heroin use is rare among adolescents. The undesirable behavior we are witnessing in our drug involved children is caused mainly by marijuana and alcohol. The goal should be early treatment.

A child's drug use is not the parents' fault. The main cause is peer pressure. The child made his choice to do drugs. His choice to do drugs progressed into the disease of chemical dependency. He needs treatment just as a diabetic child needs treatment. Few parents of diabetic children would withhold treatment because their child did not want injections. Untreated diabetes and untreated chemical dependency are fatal. A characteristic of chemically dependent persons is denial of their disease, and so they rarely seek help. It is the family's responsibility to intervene so recovery can be initiated.

A treatment program should be carefully selected. Recovery from chemical dependency is very difficult and takes a long time, just like breaking a nicotine habit. Group therapy seems to be more effective than individual counseling. A good first step for parents is attendance at one of the free self-help groups listed on page 7. A child who asks for help and is highly motivated may do very well by attending AA every night or an outpatient program. These children's programs will be more successful if their parents attend their own self-help group meetings. The less motivated children will probably require very intensive, long term programs.

CHARACTERISTICS TO LOOK FOR IN A PROGRAM

1. It treats drug and alcohol abuse as a disease rather than as a symptom of a disease. It believes the unacceptable behavior is caused by the chemical use rather than by an underlying cause. It makes the user responsible for his own actions.

2. It promotes an alcohol and drug free life style with drug free counselors. Recreational alcohol or drug use is not allowed. Mood altering prescription drugs are not part of the therapy. Out-patient programs often use urine screening and antabuse to monitor drug and alcohol use. Antabuse is a medication that makes one very ill when alcohol is ingested. Parents have the right to know results of urine tests.

3. It uses the twelve steps of Alcoholics Anonymous or includes AA meetings as a part of its program. These tools for self-change have a long successful history.

4. It provides daily support in the form of group counseling and/or AA meetings for at least 6 months. Aftercare continues on a less frequent basis, often in the form of AA meetings or self-help meetings.

5. At least some of the counselors should be recovered abusers who can relate by personal experience and read through the "cons" of their clients.

6. It provides counseling and education for the total family including siblings. The family learns to recognize and to change its undesirable behavior responses it has developed in response to the abuser's unacceptable behavior. It strives to re-establish good family relationships.

7. The client must learn to live alcohol and drug free in a drug oriented society. After adequate progress in a structured, controlled, drug free environment the client begins a gradual re-entry into society, learning to remain alcohol and drug free at home, school, job, and during leisure time. Therapy continues during re-entry.

RESOURCE LIST

NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH (NFP) Assists in the formation and networking of local parent groups in every state. Member groups less than 15 mos. old are eligible to use NFP's tax exempt status upon completion of proper forms. Membership includes newsletter. NFP offers pamphlets on marijuana, alcohol, and cocaine, at $8.00/100; A Parent Group/Community Task Force Starter Kit & Education Kit/Public Speaking Manual, $5.00 each; Press/Media Guidelines, and Anti-Paraphernalia Kit, $4.00 each; Membership - individual - $10.00, group - $25.00. 1820 Franwall Ave., Suite 16, Silver Spring, Md. 20902, tel. local 649-7100 or 800-544-KIDS (toll free hotline).

VIRGINIA FEDERATION OF PARENTS (VFP) - Assists in formation of groups in Virginia, publishes a newsletter, and co-ordinates legislative goals for Virginia. Membership - individual - $5.00, group - $10.00.
P.O. Box 279, Chesterfield, VA 23832, Ph - 804-320-8778.

VIRGINIA COALITION OF PARENTS (VCP) - A statewide parent group oriented toward legislative aspects of substance abuse. P.O. Box 4155, McLean, Va. 22103, tel. 703-455-2030

COMMITTEES OF CORRESPONDENCE, INC. - Newsletter and news flashes sent on urgent issues which need action. A must for group leaders. Excellent resource list available. Membership is $10.00. P.O. Box 232, Topsfield, MA 01983, tel. 617-774-2641.

PRIDE - Newsletter, many publications, and audio-visual aids. Conducts an annual conference and sponsors 1 day conferences for other groups. Drug use survey available. Maintains list of youth groups in U.S. Membership - $8.00. Woodruff Bldg., Volunteer Service Center, Suite 1216, 100 Edgewood Avenue. NE, Atlanta, GA 30303, tel. 1-800-241-9746.

FAMILIES IN ACTION - Maintains a drug information center. Publishes Drug Abuse Update Newsletter - $5.00/4 issues, with 16 pages of abstracts of articles on all aspects of drug abuse. Full texts of articles available. 3845 N. Druid Hills Rd., Suite 300, Decatur, Ga. 30033, tel. 404-325-5799.

NATIONAL CLEARINGHOUSE FOR DRUG ABUSE INFORMATION (NIDA) List of free publications available. Parents, Peers, and Pot II, a 100 page book, is excellent for awareness programs. Up to 50 free copies can be ordered. Allow 2-4 weeks for delivery. A must for awareness programs. 5600 Fishers Lane, Rockville, Md. 20852, tel. 301-443-6500.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM (NIAAA) CLEARINGHOUSE - List of free publications available. Will do search on any aspect of alcohol use you request. P.O. Box 2345, Rockville, Md. 20852, tel. 301-468-2600.

AMERICAN COUNCIL ON DRUG EDUCATION - Excellent publications for sale. 6193 Executive Blvd., Rockville, Md. 20852, tel. 301-984-5700.

FREE CATALOGUES - Offer many good self help, AA, and educational publications. Comp Care Publications, 800-328-3330 and Hazelden Educational Services, 800-328-9288.

MARIJUANA UPDATE - Booklet of 4 Reader's Digest articles, $1.25, reasonable quantity discounts. Permission has been granted for anyone to reprint these articles on their own. Reader's Digest Reprint Editor, Pleasantville, N.Y. 10570, 800-431-1726.

ADOLESCENT DRUG & ALCOHOL ABUSE - by Donald I. MacDonald, M.D. A 200 page book written by a pediatrician. Includes: The Epidemic of Adolescent Drug Abuse, Progressive Stages of Drug Involvement, Chemical Dependency, The Drugs, The "Do-Drug Environment, The Susceptible Child, The Parent Revolution, Diagnosis and Intervention, Treatment and Follow-up, Prevention Through Laws and Education, The Role of the Physician. Cost, $15.95. Call 800-621-9262.

GONE WAY DOWN - TEENAGE DRUG ABUSE IS A DISEASE - by Miller Newton, Ph.D. A 72 page book which describes the progression of adolescent chemical dependency. Cost $4.00 includes postage. Send to Joyce Tobias, 4111 Watkins Trail, Annandale, Va. 22003.

COMMUNICATIONS NETWORK HANDBOOK - Free 62 pg. resource on all types of media work for parent groups. Good newsletter information. DHHS Publication #(ADM) 81-981, Office of Communications & Public Affairs, 5600 Fishers Lane, Rockville, Md. 20852.

COURTWATCH MANUAL - 111 page manual explains the court system, criminal justice process, courtwatch activites, and what you can do before and after a criminal is sentenced. Send $2.00 to Washington Legal Foundation, 1612 K St. NW, Wash, DC 20006.

COMMUNITY SERVICES

AL-ANON & ALA-TEEN - 241-2011 (VA) 882-1334 (MD&DC) - Free self-help groups for the parents, spouses, children, and siblings of alcohol abusers who may also be drug abusers.

ALCOHOLICS ANONYMOUS - 241-8195 (VA) 966-9115 (MD&DC) - Free self-help groups for alcohol abusers who may also be drug abusers. Young peoples groups meet every night.

ALCOHOL REHABILITATION, INC. (ARI) - 841-0660 (Arlington) - Private, non-profit, residential treatment facility for chemical dependency for all ages. Ninety day program.

ALEXANDRIA DIVISION OF SUBSTANCE ABUSE SERVICES - 750-5706

ARLINGTON COUNTY ALCOHOL AND DRUG PROGRAM - 528-0884

ARLINGTON HOSPITAL ALCOHOLISM UNIT - 558-6536 - 28 day, inpatient, alcoholism adolescent (13-18) program and an adult program. Includes assessment of alcohol and drug use, use of AA principals, 4 nights a week family program, and 15 weeks aftercare.

CHEMICALLY DEPENDENT ANONYMOUS - 476-0443 (MD) - Self-help group similiar to AA.

DISTRICT OF COLUMBIA SUBSTANCE ABUSE ADMIN. - 727-0443

FAIRFAX COUNTY/FALLS CHURCH COMMUNITY SERVICES BOARD - 281-6420 - County agency whose fees are based on a sliding scale. No service is ever refused for inability to pay. Offers many mental health services. Some are:
Crossroads - 691-2468 - Out patient and small residential drug rehab program for all ages.
Local Alcoholic Services (LAS) - 533-0180 - Outpatient program for alcohol problems.
The New Beginning - 968-7330 - In-house 28 day program for alcoholics.

FAMILIES ANONYMOUS - 620-9353 (Herndon), 460-5839 (Bethesda), 262-4473 (Bowie) Free self-help group for parents of abusers.

HEGIRA HOUSE - 703-343-6332 (Roanoke) - Long term residential program for adolescents and adults. Sliding fee scale. Drug free and uses AA principles. Director recovered addict.

MONTGOMERY COUNTY HEALTH DEPT. DRUG COUNSELING PROGRAM - 565-7729

NARCOTICS ANONYMOUS - 338-7989 (Va.), 459-9355 (Md.), 338-7989 (DC) - A self-help group patterned after the steps of AA.

PRINCE GEORGE'S COUNTY HEALTH DEPT. DIRECTORATE OF ADDICTIONS - 345-2000

RAP, INC. - 462-7500 - (DC) Non-profit, long term, residential program for all ages.

SALVATION ARMY - 642-9270 (VA) - A residential 90 day adult alcohol and drug rehabilitation program based on the steps of AA. Includes AA meetings several times a week. There is no fee, since the clients work 40 hrs. per week at the Salvation Army building.

SECOND GENESIS - 683-4610 (VA) 656-1545 (MD) Non-pofit, long term, residential drug rehab program for all ages. Evaluation and screening, individual, group and family therapy, and vocational services are included. Most individuals are eligible for funding.

STEP ONE SERVICES - 671-6322 (VA) - Private out-patient program. Three counseling sessions per week plus three AA meetings per week. Average length of program is 6 months. Alcohol and drug free status is monitored by use of antabuse and urine screening. Antabuse is a medication which makes one very ill when alcohol is consumed.

STRAIGHT, INC. - 642-1980 (VA) - A not for profit family oriented drug and alcohol rehabilitation program for youth 12-21. The program utilizes the principles of AA and rational therapy combined in a unique group format. Programs are provided for parents and siblings. To attend an open meeting on on Monday or Friday call 48 hours in advance. Assessments done. Out of town clients accepted.

TOUGHLOVE - 569-8915 (Springfield), 522-9038 (Arlington), 361-7633 (Manassas), 670-9075 (Woodbridge), 530-6718 (Beth.), 577-1038 (Lanham), 635-2169 (DC) - A free self-help group for parents experiencing any kind of behavior problems with their child.

NFP SAYS:
COME ON AMERICA! **STICK YOUR NECK OUT** FOR KIDS AND HELP STOP ADOLESCENT DRUG AND ALCOHOL USE!

PANDAA

PANDAA (Parents Association to Neutralize Drug and Alcohol Abuse, Inc.) was founded at Jefferson High School in Fairfax County, VA in April, 1980 by a group of parents concerned about teenage alcohol and drug abuse. The goals of the group are to combat substance abuse in the home, school, and community and to educate the public about all aspects of substance abuse. PANDAA is incorporated and has tax exempt status. There are no salaried personnel. All donations are tax deductable. Membership is open to any individual upon payment of $5.00 annual dues which includes a subscription to the newsletter. PANDAA is supported solely by dues and donations.

PANDAA publishes an educational 8 page newsletter 5 times a year. Its circulation is 5,000 copies. It is mailed to PANDAA members, federal, state, and local legislators, law enforcement personnel, civic leaders, civic clubs, youth leaders, churches, school counselors and principals, pediatricians, and treatment programs, and it is distributed at awareness meetings, workshops, and conferences.

PANDAA works closely with the County School System strengthening school policies and educating school personnel.

The PARENTS OF TEENS program offers a confidential listening ear telephone service (237-8121) Mon. thru Fri. from 9-5 for parents in need of help and support in identifying an alcohol or drug problem. Materials on drug information, treatment programs, and resource lists for awareness programs may be received by calling this number.

The COURTWATCH committee observes drug cases weekly and is affecting changes in the judicial system. PANDAA also lobbies for legislation regarding substance abuse.

PANDAA does many speaking engagements and assists in the formation of new groups. It is a member of the National Federation of Parents and the Virginia Federation of Parents.

PANDAA MEMBERSHIP FORM

_____ I wish to become a member. Yearly dues $5.00/person, includes 5 issues of 8 page educational newsletter.

_____ Donation$ _____ Donations $5.00 & over will receive the newsletter. All donations are tax deductable.

I would like to help with Courtwatch _____ Legislation _____ Telephone Tree _____

NAME _____

ADDRESS _____ ZIP _____

PHONE _____ SCHOOL _____

Make checks payable to PANDAA.
Mail to PANDAA treasurer, PO Box 314 Annandale, VA 22003.

NFP MEMBER PLEDGE

Parents are concerned about the alarming increase in drug and alcohol use among our youth and the social acceptability of this use. Young people must be able to feel that it's OK not to participate in the use of drugs and alcohol. We want parents to take a stand to help our youth and are asking you to endorse the following pledge:

- We will become informed parents and take responsibility for our own children.
- We will develop and communicate a clear position about drug and alcohol use.
- We will request and will endorse a comprehensive, meaningful drug and alcohol abuse prevention program for grades K-12.
- We will support school and law enforcement policy regarding the use of drugs and alcohol and encourage the use of creative and effective discipline in dealing with offenders.
- We will promote wholesome social activities for our youth and will not sponsor or condone social activities that we or our children cannot control.
- We will not serve drugs or alcohol to children.
- We will be concerned about the welfare of others and will attempt to resist peer pressure and encourage o. youth to do likewise.
- We will set an example that can be copied by our children and will try not to confuse them with double standards.
- We will remember that apporpriate and consistent discipline indicates concern and love.

IT'S NOT A MYTH! PEOPLE WHO CARE -
WORKING TOGETHER FOR A BETTER COMMUNITY -
CAN MAKE A DIFFERENCE!

NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH

PANDAA BOARD OF DIRECTORS

Pat Smith - President, Courtwatch Chairman

Joyce Tobias - Vice-president, Newsletter Ed.

Jack Slapcincky - Treasurer

Ted Davenport - Secretary, School liason

Larry Jenney

Connie Kepner - Legislative chairman

Beth Ostrolenk

ADDITIONAL HELPFUL NAMES

PANDAA ph. - 703-237-8121, Mon-Fri, 9-5pm

PARENTS OF TEENS chairman -
Jane Lyle, 241-2622

Rock Music Presentations -
Nancy Kavalieratos 281-0819

Chemical People Task Force Co-ordinator,
Awareness Programs - Judy Nelson, 425-5367

Substance Abuse Co-ordinator, Fairfax County
Schools - Dennis Nelson, 698-7546

DRUG INFORMATION SERVICE

A state-wide toll-free telephone information service which provides telephone access to recorded information tapes, 2-3 minutes long, on drug and alcohol related topics was initiated March 21, 1984. Trained operators are available to supplement the taped messages in the event of emergencies. It is a 24 hour service for push button phones. Callers with rotary-dial phones can only use the system from 9 a.m. to 3 p.m. Monday through Friday. Tapes available include:

*Marijuana accumulation in the body
*Marijuana - a brief overview
*Marijuana - effects on the female
*Marijuana - effects on the male
*Marijuana - damage to lung tissue
*Marijuana - increased potency
*Marijuana - physical tolerance
*Marijuana - psychological impact

*Cocaine
*Amphetamines
*Codeine
*Opium
*Morphine
*Heroin
*Methadone

*Tranquilizers
*Barbiturates
*LSD
*PCP
*Alcohol
*Smoking
*Drug use by youth

CALL 1-800-552-3784

PANDAA
P.O. Box 314
Annandale, Va. 22003

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Permit No. 95

PANDAA

PARENTS' ASSOCIATION TO NEUTRALIZE DRUG & ALCOHOL ABUSE

VOLUME VI, NO. 1 NEWSLETTER JANUARY 1985

PANDAA COURTWATCH REPORT

1 JUNE 1984 – 30 SEPTEMBER 1984, FAIRFAX COUNTY CIRCUIT COURT

Offense	Virginia Code Mandates Prison Sentence	Average Time to be served 6 mos ended May 31, 1984	Average Time to be served 4 mos ended Sept 30, 1984	Increase (Decrease) in Sentence
Sale of				
Cocaine	5 to 40 yrs.	20 months	20 days	(19 mo 10 days)
PCP	5 to 40 yrs.	22 months	28 mo	+ 6 months
Marijuana	1 to 10 yrs.	13 months	2 mo. 9 days	(10 mo 21 days)
Possession of				
Cocaine	1 to 10 yrs. or up to 1yr cty jail	20 months	22 days	(19 mo 8 days)
PCP	1 to 10 yrs.	10 months	8 mo 13 days	(1 mo 18 days)
Marijuana	1 to 3 yrs.	48 months	6 mo 15 days	(41 mo 15 days)

The PANDAA COURTWATCH Committee observes the sentencing of drug related cases in Fairfax County Circuit Court and collects data on the disposition of the cases and type and length of sentence imposed. These data are compiled regularly and are compared to the prior period. The table, above, compares the 4 month period ending September 30, 1984 (89 cases representing 77 defendants) with the prior 6 month period ending on May 31, 1984 (130 cases representing 103 defendants). The table lists the average prison time remaining in the sentence after suspended time was deducted. Sentences in individual cases vary widely from the calculated average. In general, the majority of cases receive very little prison time and only a few cases receive significant prison time. We have not deducted the time off allowed by the law for good behavior (10 days off for 20 days of good behavior) or for rehabilitation (6 months).

Three observations may be drawn from the table, above, as follows:

1. The average prison time imposed dropped significantly in the most recent period as compared to the previous period.

2. The average sentence for **sale** of cocaine and marijuana continues to be less than the sentences for possession.

3. Sentences for cocaine sale or possession are very light, in fact they are considerably lighter than for marijuana.

The above figures indicate Fairfax County judges have some appreciation of the serious-

continued on page 2

Thoughts on Legislation

On Wednesday, January 9th the Virginia General Assembly will convene its 1985 session. The session will last only 30 days and all new legislation for 1985 must be passed in that time. Substance abuse legislation is very difficult to pass because alcohol related businesses and pro-drug groups send well paid lobbyists to Richmond. But, we have learned that citizens groups who are networked across the state can also have a tremendous impact. To get bills passed it is essential to have citizen pressure from all areas of the State, since the senators and delegates voting on bills are influenced only by their own constituents.

The status of bills changes very rapidly during the brief legislative session. To be effective, one must track bills very carefully, and be ready to act on call. This year the Virginia Federation of Parents for Drug Free Youth (VFP) has an office in Richmond and will serve as an information service for parent groups throughout the State. You may call VFP's office (804-320-8778) and ask to be notified when help is needed on a specific bill. In Northern Virginia call Connie Kepner (455-2030). Then you may respond by contacting your senator or delegate or by traveling to Richmond. If you get a group together to go to Richmond, newspaper coverage of your trip will add to its effectiveness. It may be your senator's or delegate's vote that is needed to get a bill passed!

Legislation is a very important aspect of our War on Drugs. Working on legislation brings unity and a sense of accomplishment to a parent group. It builds a momentum that leads to more projects.

THE LEGISLATIVE PROCESS

When the General Assembly convenes each senator and delegate will be assigned to standing committees. Each bill that is introduced is given a number and assigned to a committee, which studies it in a hearing. Most committee hearings are open sessions in which citizens may express their views on the bill. This is when you as a citizen can have an impact either by attending the session and testifying if you wish or by contacting your senator or delegate by phone, telegram, or mail. The committee may recommend changes, deletions, or refer the bill to a subcommittee for further

continued on page 2

PANDAA'S LEGISLATIVE GOALS

PANDAA would like to see legislation passed that would:

1. Raise the drinking age to 21.

2. Allow civil forfeiture, which is the confiscation of money and goods resulting from drug trafficking and return of those assets to the State to use for law enforcement, rehabilitation, or whatever the law designates.

3. Defer eligibility for a driver's license until age 21 for any minor convicted of any alcohol or drug related offense.

4. Require Virginia teachers to complete an alcohol and drug education course to qualify for teacher certification.

5. Require all juveniles and adults involved in an alcohol or drug related crime to be evaluated for chemical dependency and mandated to treatment when appropriate.

6. Allow police officers to request blood or urine tests for drugs other than alcohol on impaired drivers.

7. Require all persons convicted of a controlled substance violation, forged and/or altered prescription violation, or sale or possession of marijuana, should have their bonds revoked when found guilty and experience incarceration until sentencing.

TIDBITS

PANDAA would like to thank the many subscribers who included donations in our recent subscription renewal drive, and a special thanks to the **Canadian Club of Washington** for its very generous donation of **$200**. The PANDAA newsletter received an award at the National Federation of Parents Conference held in September, 1984.

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Dr. Richard Brookman, director of adolescent health services at Children's Medical Center, Medical College of Virginia in Richmond, advised pediatricians at a pediatric symposium, "**I do not consider it a breach of confidentiality to alert parents if their child has a serious problem with alcohol.** I always tell the teenager first that I am going to notify the parents so that the whole family can get the counseling that they need." He also suggested that if the teenager appears to be a danger behind the wheel the physician should notify both the parents and the police that the parents should restrict the adolescent's driving, perhaps by taking away the license. Pediatric News, September, 1984.

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Dr. Richard Schwartz M.D. a pediatrician from Vienna, Va. surveyed 211 patients aged 13 to 18 over a 4 month period. Many were high achievers with an average grade point of B-plus. To increase the likelihood the teens would answer honestly, most questions asked about a close friend's drug use. **Eleven percent of the teenagers had at least one friend who had been stoned or drunk 50 or more times.** They said the best place to buy drugs was near their schools. Most drug use and drinking took place at friends' houses, parties and rock concerts, and 11% used drugs while driving. In the area of alcohol use, 25% said a friend had been arrested for drunk driving. Twenty percent had at least one friend who had received medical care for intoxication. In drug use, 8% had a friend who used LSD and 6% said a friend had tried PCP. Four had friends who had used LSD 50-100 times and two had friends who used PCP at the same rate. NEWS & COMMENT, American Academy of Pediatrics, April, 1984.

* * * * * * * * *

A survey conducted by George Mason University in 1983 showed that **8% of 841 Fairfax County firefighters interviewed used illegal drugs other than marijuana two to three times a week.** About 16% said they used such drugs once a week or less. About 14% of the respondents reported they knew someone whose work was impaired by use of drugs. Polygraphs turned up admissions of recent drug use by 27% of 54 applicants. Fairfax Journal, 12/10/84.

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The Federal Aviation Administration plans to begin using **urinalysis tests** soon to check drug abuse by air traffic controllers, pilots and air safety technicians.

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Metro has established an Employee Assistance Program for treatment and new policies to deal with employee substance abuse problems. Alcohol and marijuana abusers will be offered treatment, and conditional jobs that don't affect safety while in treatment. Those involved with harder drugs are not eligible for conditional employment. Sale or possession of intoxicants on the job or criminal conviction on off-duty drug charges are grounds for immediate dismissal.

* * * * * * * * *

Massachusetts has **outlawed happy hour and liquor promotions** such as two-for-one specials and chug-a-lug contests.

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From March to December, 1984 nearly **10,000 criminal defendants** have been tested for traces of drugs including heroin, PCP, and cocaine by the Washington D.C. Pretrial Services Agency, and **53% have shown signs of hard drug use.** PCP and cocaine are the most frequently detected drugs.

GUIDE TO ADOLESCENT CHEMICAL USE

A 17 page PANDAA guide for parents and professionals which includes why kids do drugs, signs of use, stages of use, effects on the family, treatment, and the drugs of abuse including alcohol is available for purchase in bulk orders or on a single copy basis. Order form is on page 7.

COURTWATCH - from page 1

case of distribution of PCP. Are they, however, disregarding the hazards incurred by cocaine availability to the people of Fairfax County? This county is in the midst of a cocaine epidemic and the general populace is deeply concerned with the availability and devastating effects of this drug on our youth. PANDAA deplores the lack of enlightenment on the part of the Circuit Court judges as to their responsibility in combating this epidemic.

Are our judges inviting cocaine distribution into this county when they should be clearly indicating the contrary?

Is distribution of cocaine and marijuana a less serious crime than possession of these drugs?

PANDAA challenges the courts to address these questions and respond to the public via their court room decisions.

In the past PANDAA has called attention to the number of aliens being convicted of drug crimes. Such convictions constitute a violation of their citizenship privileges. As a result of our concerns and inquiries the Fairfax County Adult Detention Center has reprogramed their computers to require "place of birth" information for all persons entering the facility, with a subsequent informing of the Imigration and Naturalization Service (INS) where indicated. As aliens are convicted of a crime the INS is again informed. Follow-up is continued until the INS has finalized their responsibilities in such cases. PANDAA applauds the Sheriff's Department for their professionalism and dispatch in rectifying this situation.

During 1983 there were 831 adult drug arrests in Fairfax County. A total of 490 cases resulted in convictions or not guilty verdicts. What happened to the 341 other cases? This equates to 41% of all drug arrests being dismissed or not prosecuted. Does this mean that almost half of all drug arrests are in vain?

More detailed statistics for this period are available on request.

LEGISLATION - from page 1

study in a closed session. It will then be voted on and passed on to the house of origin or "killed" in committee. In the house, members may refer it to another committee, make amendments, and pass it with or without amendments or reject it. Citizen input is again needed after the bill leaves committee and is on the floor. If passed the bill goes on to the other house and the exact same process is repeated, with the same citizen pressure needed. If passed it then goes to the Governor.

TO TRACK BILLS & GET A COPY OF A BILL

1. The Virginia Room of the Fairfax County Central Public Library (691-2123) provides:

   Legislative Information Service (LIS) - A free inquiry service for any individual.

   White Paper - Published daily and provides summaries of legislation introduced, announcements of hearings, analyses of key issues, and directory of General Assembly members.

   Richmond Times-Dispatch - Also available at most branch libraries. Gives daily reports of General Assembly activities. Temporary 3 month subscriptions beginning in January are available. Address - 333 E Grace St, Richmond, VA 23219.

2. Call the Bill Room at the Capitol - 804-786-6984
3. Call the Legislative Information Center, General Assembly - 804-786-7281.
4. Call your delegate or senator and request a copy, or make a copy at the Virginia Room.

TO CONTACT YOUR SENATOR & DELEGATE

Get their local and Richmond addresses, phone numbers and committee assignments from your local government center. If your senator or delegate cannot talk to you personally on the phone his aide will do a good job of conveying your message. Letters should be brief, state your stand, identify the bill by number, and give your name, address, and phone number. Letters may be addressed as follows:

The Honorable ________________
The Virginia Senate (or House of Delegates)
The General Assembly Building
910 Capitol St, Richmond, VA 23219

Western Union offers several services which can be billed to your telephone bill, be put on a separate bill or be billed with a major credit card. Call 800-257-2241. It is a 24 hr. service.

A Mailgram costs $4.95. Fifty words including the name, address, message, and signature are allowed. Each additional 50 words or less cost $2.25. It will be sent by mail and probably arrive the following day.

A Personal Opinion Message costs $4.45 and allows a twenty word message. Each additional 20 words or less cost $1.50. It will arrive within hours.

A Telegram costing $8.75 allows a 15 word message. Each additional word costs $0.39. It will arrive within hours.

Won't you join and help us win our number one priority of raising the drinking age to 21 yr?

COLLEGE MARKETING OF ALCOHOL

A recent promotion of a drinking game called "Quarters" has been brought to our attention. A flyer promoting the game and a free give-away poster with the Official Rules of Quarters printed on it was mailed to fraternity presidents around the nation by Goofie Graphics of Columbia, Missouri. (This company does not have a listed telephone number.)

One of the rules on the poster is to "provide enough beer to severely intoxicate all players." Campus promotions such as this which portray drunkenness as good fun and good form is something for national concern. Such promotions obviously have no place on campus.

Why do the administrators allow this to go on at their schools? Are students allowed to do anything and everything they want even though the health and welfare of others is at stake?

Adolescence is a time of great insecurity and instability. To play upon these weaknesses is not only unfair marketing but also downright dangerous. It is a sure bet that the parents, who are funding the expenses for their child's education, do not think this type of thing fun.

The fact that this type of game and promotional tactic exists is fuel for legislation of a drinking age of 21. While we must live with the drinking age laws until we can change them, we can react, pen in hand, with indignation at the marketing practices of some major alcohol beverage companies who usually have a student representative on campus to promote their product. You may also write to your children's college administrator and ask for tighter controls on consumption of alcoholic beverages and stiff penalties for those drinking under the legal age and especially for the providers of the alcohol.

The Inter-Association Task Force on Alcohol Issues has put forth the following guidelines for alcohol marketing on campus. The guidelines are intended to assure that such practices are conducted in an appropriate and responsible manner. These can be used in formulating individual institutional policy.

1. Alcohol beverage marketing programs specifically targeted for students and/or held on campus should conform to the code of student conduct of the institution and should avoid demeaning sexual or discriminatory portrayal of individuals.

2. Promotion of alcohol should not encourage any form of alcohol abuse nor should it place emphasis on quantity and frequency of use.

3. Beverage alcohol (such as kegs or cases of beer) should not be provided as free awards to individual students or campus organizations.

4. No uncontrolled sampling as part of campus marketing programs should be permitted and no sampling, or other promotional activities, should include "drinking contests."

5. Where controlled sampling is allowed by law and institutional policy, it should be limited as to time and quantity. Principles of good hosting should be observed including availability of alternative beverages, food and planned programs. The consumption of beer, wine and distilled spirits should not be the sole purpose of any promotional activity.

6. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of appropriate institutional officials.

7. Display or availability of promotional materials should be determined in consultation with appropriate institutional officials.

8. Informational marketing programs should have educational value and subscribe to the philosophy of responsible and legal use of the products represented.

9. Beverage alcohol marketers should support campus alcohol awareness programs that encourage informed and responsible decisions about the use or non-use of beer, wine, and distilled spirits.

10. If permitted, beverage alcohol advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.

11. Advertising and other promotional campus activities should not associate beverage alcohol consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.

12. Local off-campus promotional activities, primarily directed to students, should be developed with the previous knowledge of appropriate institutional officials.

It was further recommended that each association call upon its members who permit alcohol beverage promotions on campus to disallow such activities by alcohol beverage marketers who do not agree to abide by these guidelines.

This article is reprinted from the Committees of Correspondence. Information was obtained from the BACCHUS Newsletter Vol 4, #4. BACCHUS (Boost Alcohol Consciousness Concerning the Health of University Students) is a national college and community action program for alcohol abuse prevention. If you would like more information, contact Campus Alcohol Information Center, University of Florida, Gainesville, FL 32611.

Who Is To Blame?

We read in the papers
and hear on the air,
Of killing and stealing
And crime everywhere.

We sigh and say
As we notice this trend,
This younger generation
Where will it end?

But can they be sure
It's our fault alone?

Are they less guilty
Who place in our way
Too many things that
lead us astray?

Too much money,
Too much idle time,
Too many movies
Of passion and crime.

Too many books,
Not fit to be read,
Too much evil
In what we hear said.

Too many children
Encouraged to roam
Too many parents
Who won't stay home.

Kids don't make movies
We don't write the books
We don't paint the gay pictures
of gangsters and crooks.

We don't make the liquor,
We don't run the bars.
We don't make the laws and
We don't make the cars.

We don't peddle the drugs
That muddle the brain
That's all done by older folks
Greedy for gain.

Delinquent teenagers
Oh how they condemn
The sins of a nation
And blame it on them.

By the laws of the blameless,
The Saviour made known
Who is among us
To cast the first stone?

For in so many cases
It's sad but it's true,
The title "delinquent"
Fits older folks too!

by JOE WOODY, March 1984
Amesbury High, Mass.

MARK YOUR CALENDAR

INVITE YOUR FRIENDS TO THE

PANDAA "MOCKTAIL" DANCE

FRIDAY MAY 3, 1985

HYATT REGENCY IN CRYSTAL CITY

ARLINGTON, VA.

DANCE TO THE BIG BAND MUSIC OF

Trux Baldwin and
The Starlite Orchestra

AN ALCOHOL-FREE FUND RAISING GALA FOR PANDAA

ADMISSION $8.00
TWO FOR $16.00
tax deductible

TIME: 9:00 PM TO 1:00 AM
CALL: Connie 455-2030

"Drug Sweeps" Show Real Role of Police

This article is reprinted with permission of the editors of the Phoenix House News. (Summer, 1984 issue) In early 1984, New York City police cracked down on drug dealers and buyers on the Lower East Side and in Harlem with a series of large scale roundups that swamped the city's courts. Cut-rate plea bargaining was the result, and a good many repeat felony offenders were sent straight back onto the streets.

Although community leaders applauded what officals named "Operation Pressure Point," law enforcement critics generally attacked the strategy as ineffective. But Dr. Rosenthal, president of Phoenix House, the oldest residential drug rehab program in the U.S., believes there is an important lesson to be learned from the police "sweeps" of drug-infested neighborhoods.

by Mitchell S. Rosenthal, M.D.

Let's not miss the point of the New York Police Department's Operation Pressure Point. The point was **pressure**, and not just prosecution. The highly publicized "sweeps" of drug-infested neighborhoods produced relatively few felony convictions. Yet, they did something far more important. They demonstrated the real role of law enforcement in drug abuse prevention, which is measured not by how many nickel-and-dime dealers are put behind bars but by how many drug abusers are pushed into treatment.

While we want to reduce the flow of drugs to the street and lock away big-time traffickers, society gains little by imprisoning all the addicted men and women who trade in drugs to meet their own drug needs. We want these people to get help, to get well and stay straight - and that is exactly what many decided to do during Operation Pressure Point. Waiting lists at drug treatment programs grew quickly while the sweeps were underway.

Drug buyers and sellers felt threatened. Police were applying pressure, reducing their options, restricting their fr[illegible] buy or sell or use drugs. The results w[illegible]redictable. Whenever society makes it more difficult or dangerous to get hold of drugs, the number of users who decide to quit rises sharply, and nothing is more likely to bring drug abuseres into treatment than the possibility of arrest.

DRUG INFORMATION SERVICE

A state-wide toll-free telephone information service provides telephone access to recorded information tapes, 2-3 minutes long, on drug and alcohol related topics. Trained operators are available to supplement the taped messages in the event of emergencies. It is a 24 hour service for push button phones, and a 9 a.m. to 3 p.m., Mon. thru Fri. service for rotary dial phones. Tapes and their No. Virginia code nos. include:

Marijuana
  125 - a brief overview
  121 - effects - females
  126 - effects - males
  120 - damage to lungs
  127 - increased potency
  119 - physical tolerance
  128 - emotional impact
  124 - body accumulation
117 - Amphetamines
129 - Tranquilizer
130 - Barbiturates
134 - Drug use by youth
135 - Alcohol
118 - Cocaine
133 - Codeine
132 - Heroin
131 - LSD
115 - Opium
114 - Morphine
113 - Methadone
116 - PCP
112 - Smoking

CALL 1-800-552-2784

The lesson in this is that **law enforcement and drug treatment are not separate and indpendent means of arresting the spread of drug abuse. It takes both. Neither can do the job alone.** This should be obvious, but it is not, and what obscures the interdependence of enforcement and treatment is our ambivalence about drug abuse, our failure to accept it for what it is - a medical problem with devastating social fallout.

Drug abuse is a disease, and one for which a numer of cures already exist. But it is a highly contagious disease, and treatment alone cannot control the contagion.

What we need to understand is that drug abuse isn't about to be brought under control as long as a substantial number of Americans refuse to agree that it **is a disease** and as long as public policy reflects widespread tolerance for "recreational" drug use and an implicit "right" to risk drug dependence. Unless we overcome this ambivalence, we can't employ drug laws as we must employ them - as public health measures needed to reduce not only the availability of drugs but also the options of drug abusers - **forcing them to choose treatment over other and less attractive alternatives.**

There is great public resistance to the swift, strict and evenhanded enforcement of drug laws. This kind of enforcement would place a good many otherwise law-abiding Americans at risk of arrest. There would be pressure on adolescent marijuana smokers, successful young professionals with cocaine habits, and middle class users of stimulants and depressants, as well as on underclass heroin addicts on the Lower East Side.

Hard-line enforcement would be costly, and it would also be expensive to provide the range and amount of treatment services that would be needed as alternatives to imprisonment. Accepting drug abuse as a contagious disease would mean making referral to treatment almost automatic except for major drug dealers - those motivated by greed and not need.

We would have to provide easy access to treatment from schools and colleges, from offices and factories, and "roads back" to society that would allow former drug abusers to continue their educations and resume their careers without being penalized or stigmatized.

This is not an approach that government can mandate upon a reluctant sociey or that law enforcement authorities can unilaterally launch. It requires broad community acceptance and participation by all levels of government, by both private and public institutions, and by business and industry.

But there is really no other alternative except to put up with today's high level of drug abuse and the even higher levels of tomorrow. Drug abuse is not about to diminish. Even the most optimistic reading of national surveys indicates no more than that marijuana use among teenagers has dropped as adolescents responded to mounting evidence of marijuana's dangers. Teenage use of such other and more potent drugs as cocaine and amphetamines has hardly changed at all from the peak levels of a few years ago.

Meanwhile, as adolescent drug use continues, there is more drug use in older age groups, as kids who came of age when drugs first hit the high schools grow up. What this means is that a larger proportion of our population becomes "at risk" of drug abuse each year, and the number of Americans disabled by drugs can only increase.

When the numbers become high enough, when costs become great enough, and we can no longer afford the impact on our sociey or the drain on the economy, we will finally face up to what must be done to bring drug abuse under control. Meanwhile, we seem determined to permit an unconscionable amount of waste and misery rather that accept the reality of drug abuse as a contagious disease and strict enforcement of drug laws as the public health measure needed to contain it.

LETTING GO

Relatives and friends of chemically dependent persons often believe they can help their loved one by "helping and guiding" him to change, only to find that the harder they try the more futile their efforts become. In counseling and 12 step programs such as Al-Anon the term "letting go" is often used. Letting go refers to giving up control of another person and allowing that person to experience the consequences of his own actions. Letting go enhances all relationships. Try it!

LETTING GO does not mean to stop caring - it means not to take responsibility for someone else.

LETTING GO is not to cut myself off from others - it's realizing I can't control others.

LETTING GO is not to enable others - it's to allow learning from natural consequences.

LETTING GO is to admit my own powerlessness, which means the outcome is not in my hands.

*LETTING GO is not to try to change or blame others - but to make the most of **myself**.*

*LETTING GO is not to care for - **but to care** about.*

*LETTING GO is not to fix - but **to be supportive**.*

LETTING GO is not to be in the middle arranging - but to be on the sidelines, cheering.

LETTING GO is not to be protective - it's to permit another to face reality.

LETTING GO is not to deny - but to accept.

*LETTING GO is not to nag, scold or argue - it is to search out **my own** shortcomings and correct them.*

LETTING GO is not to adjust everything to my desires - but to take each day as it comes, and cherish myself in it.

LETTING GO is not to criticize and regulate others - but to grow and live for the future.

LETTING GO is to fear less, and love more.

KIDS, ALCOHOL, AND DRUGS

GET YOUR QUESTIONS ANSWERED!

Thursday, February 7, 1985 - 7 to 9 pm

5515 Backlick Rd., Springfield, Va. 22151

Parents and professionals are invited to a free 2 hr. presentation on the stages of adolescent alcohol and drug use. During the presentation kids will tell of their personal experiences with alcohol and drugs and how they found help. Time will be allowed for questions. An educational public service presented by Straight, Inc., a not-for-profit, adolescent family oriented alcohol and drug rehabilitation program. For more information call 642-1980.

PANDAA NEEDS...

"MOCKTAIL" PARTY AND DANCE - A lot of help with ticket sales and publicity for our big dance described on page 3. Music will be from the 40's and 50's. The ballroom holds 1500. Help us give the message that we can have fun without alcohol. Call Connie - 455-2030.

COURTWATCH - Volunteers to observe sentencings of drug related cases in Fairfax County Courts on a regular or irregular basis. No previous experience is necessary. A brief orientation is given. We can also use help outside the courtroom with record keeping and research, especially on the juvenile courts system.

GUIDE TO CHEMICAL ABUSE - One person to mail out the orders for this publication. It would probably require two to three hours a week at home and a trip to the mail box.

PUBLICITY - One person to do publicity mailings to the media every 2 months for our hotline service. Mailing labels and format are set up. We need someone to make media and press contacts for newspaper articles, and radio and TV interviews. We have the speakers available.

FUNDRAISING - Someone to write fundraising proposals to service clubs, foundations, and the business community, etc. We also need other ideas for fundraising.

TELEPHONE TREE - One person to chair a telephone tree which would recruit people when we are asked to provide people for TV audiences, lobbying for legislation in Richmond, and letter writing campaigns.

LEGISLATION - People to travel to Richmond on call in Jan. and Feb. for lobbying. We also need people for telephoning and writing letters to legislators at crucial times during the legislative session in Jan. and Feb.

NEWSLETTER AND PARENT'S HANDBOOK - People for proof reading, editing, writing, layout, and research.

MAILINGS - Several people who can help on call for several hours with mailings, and stuffing and labeling envelopes.

NEWS CLIPPINGS - One person to clip articles from newspapers and magazines on all aspects of alcohol and drugs.

To volunteer call 237-8121, Mon. thru Fri. between 9 am and 5 pm. Our hotline volunteer will give you the name to call for the job you are interested in.

I NEVER TOOK DRUGS SERIOUSLY

For many years, I minimized the dangers of drug use. To me, drugs were a part of growing up. In fact, drugs were more a part of growing up than the actual process of growing up. You see, drugs stunt emotional growth.

In the past seven months, I've learned quite a bit about the seriousness of drug use from my 22 year old brother - my younger brother.

My brother now cares enough about himself to get off of drugs. He's currently enrolled in an alcohol and drug rehabilitation program that is teaching him, through positive peer pressure, that he doesn't **have** to take drugs.

This desire to help himself is new. He didn't enroll into the program until my parents gave him an ultimatum - either get help, or move out of the house. The ultimatum was not easy for my parents. But, they were desperate.

It wasn't until they gave him that ultimatum that he began to look at himself and question his ability to "move out for good." He had tried to move out several times. But, he would always return home - penniless, repentent, and hungry.

My parents always took him back, of course. They were fearful about his inability to keep a job, or stay in school. But, we were powerless to do anything for him. He had to somehow learn to help himself. We knew that much.

After much prayer and research, my parents found out about the program he is currently enrolled in and he voluntarily signed himself into the program in March of this year.

Our family has grown leaps and bounds since he made his decision. Not only has he learned about the seriousness of taking drugs, but my parents and I have also learned a great deal about them as well.

I took drugs in high school and college. Therefore, I always thought I understood them. Now I know that the only thing I understood about drugs was the feelings that I got off of them. I didn't realize that I was chipping away at my self image every time I got high.

One of the reasons why I never took drugs seriously is because nobody else did. As ashamed as I am to admit that, it is the truth. In fact, I remember sitting around with my peers getting high saying, "Getting high on pot is like having a couple of beers. It's just a different kind of high. What's the big deal? If beer is acceptable, why isn't pot acceptable?"

What I've learned from by brother is that neither are acceptable. What he has challenged me to do, is to look at my behavior. I haven't gotten high for quite some time. However, I was a social drinker up until he went into the program. I drink very rarely now.

I'm not trying to chalk up brownie points with you. I used to drink to relax, have a good time etc. But now, I find I can relax, have a good time etc. without alcohol, or marijuana, or cocaine, or any of it. That's freedom, my friend.

What I'm talking about here is awareness. I'm now aware of **why** I used to get high to "get happy." Getting high was easier than trying to figure out why I was unhappy to begin with. I used to get high to justify being silly, or a little strange. Now I can be silly and strange without drugs.

The pressure to be a certain kind of person is ever present in our society. We think we outgrow peer pressure after adolescence. Unfortunately, that is not the case.

Consider this scenario: What would you do if your friends and family stopped drinking alcohol or smoking pot? Would you continue to drink, even if you were the only one drinking? Would you continue to smoke, even if you were the only one smoking?

I think you would eventually stop drinking, or stop smoking. You'd find other means for entertainment - like feeling free enough to be yourself and accept others for who they are.

If you can't picture yourself as a non-drinker, or non-smoker (pot), then you may be a druggie yourself.

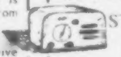
The bottom line is this: Drug use masks the way you feel. The more drugs you do, the less you feel. Why rob yourself of your feelings? Why rob yourself of learning about yourself. True freedom exists in just Being.

Here's a challenge for you. Try going for 30 days without a drink or a joint. See how you feel after that 30 day period. You'd be amazed. Besides feeling physically healthier, your mind becomes sharper, and your emotions are reawakened.

Why the challenge? **Because you're worth it!**

DID YOU KNOW?

- Virginia law allows a judge to suspend the drivers license for up to one year of any underage person convicted of purchase or possession of alcoholic beverages. This is in addition to a fine for the offense. From Va. Code §4-62, & 4-112(c).
- You can be fined up to $500 and receive up to 6 mos. in jail for drinking or possession of any alcohol on school grounds during school hours or any school activity. From Va. Code §4-78.1.
- You can be fined up to $1,000. and/or be put in jail for up to 1 year if you purchase alcoholic beverages for anyone under 19 years of age. From Va. Code §4-112.1(a).
- If your minor child is abusing driving responsibilities, you can have his license suspended and ask that no duplicate be issued.



LISTEN TO WGTS 91.9 FM STRAIGHT TALK RADIO SHOW

TUESDAY EVENINGS - 6:30 TO 7:30

Bill Burns interviews a guest who is experienced in a specific aspect of substance abuse. Call in with your questions about symptoms of drug and alcohol use, rehabilitation programs, parent awareness groups, etc. The program is produced by the Panel on Drug Awareness (PDA), a non-profit media production company.

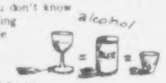
DOES YOUR CHILD'S BEHAVIOR PUZZLE YOU?

DO YOU?

find it difficult to communicate with your child
make excuses for bad behavior
blame your spouse for the problems
argue with your spouse over this child
blame the school for the problems
blame his friends for the problems
blame his friends' parents for the problems
dread coming home
avoid being with your family
find reasons to work on the weekend
feel powerless
sometimes wonder if you love him

AT HOME DOES HE/SHE?

avoid the family
disregard or break rules
receive mysterious phone calls
often listen to loud rock music alone
act rebellious
have friends you don't like
have friends you don't know
argue over nothing
use bad langunge
sleep a lot
crave sweets
act secretive
stay up until all hours
display declining morals



AT SCHOOL DOES HE/SHE?

arrive late
skip classes
cheat
vandalize
have declining grades
blame teachers for problems
disrespect authority

If you answer yes to some of these questions,

THE PROBLEM COULD BE ALCOHOL OR DRUGS

Your child's life could be in danger
Don't wait, find out now....CALL

PARENTS OF TEENS

WE OFFER YOU

CONFIDENTIALITY

ANONYMITY

CARE

CALL 237-8121

PANDAA Parents who have had a child recover from an alcohol and/or drug problem give their volunteer time to help you understand what is happening in your family. They will **listen** to you. They can relate their own personal experience to you. They understand the hurt, anger, fear, and disruption caused by drug and alcohol problems in the family. They will help and support you. A parent is on call Monday thru Friday, from 9 a.m. to 5 p.m. to answer your questions, give you support, and mail information to you. The area code for callers outside the Washington DC area is 703.

HOTLINES

1-800-554-KIDS National Federation Parents
1-800-241-9746 Pride Drug Information Line
1-800-638-2045 - National Inst. Drug Abuse
1-800-COCAINE - Cocaine Hotline
1-800-BE SOBER - Hotline
1-800-BAD WEED-Report marijuana growing
573-5679 - Woodburn Center, Fairfax Cty
Family & drug abuse emergencies
804-771-0109-Families Anonymous, Richmond
1-800-231-6946 - Runaway hotline calls
parents for runaway, referral service

Operation Home Free - Any minor escorted to a Trailways bus station by an officer identifying the minor as a missing or runaway child will be issued a free ticket home.

FREE DIRECTORIES TO REHAB PROGRAMS

Directory of Community Substance Abuse Programs in Virginia: Secretary for Community Substance Abuse Services, Dept. MH/MR, PO Box 1797, Richmond, VA. 22314, Call 804-786-1524.

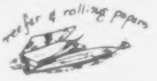
National Directory of Drug Abuse and Alcoholism Treatment Programs, #(ADM) 83-321. NCDAI, PO Box 1908, Rockville, MD. 20850.

MAYBE YOUR CHILD NEEDS HELP

When sypmtoms of alcohol and/or drug use begin to disrupt family and school life, the child has usually been abusing for at least one to three years, and is already chemically dependent, even though his use may be restricted only to alcohol and/or marijuana. If the parent finds that strict rule enforcement, close surveillance, spending more time with the child, professional counseling, etc. do not solve the problem, it gradually becomes obvious that the parents cannot "fix" their child alone. Outside help is needed from those experienced in the field of chemical dependency.

A child's drug use is not the parents' fault. The main cause is peer pressure. The child made his choice to do drugs. That choice progressed into the disease of chemical dependency. He needs treatment just as a diabetic child needs treatment. Few parents of diabetic children would withhold treatment because their child did not want injections. Untreated diabetes and untreated chemical dependency are fatal. A characteristic of chemically dependent persons is denial of their disease, and so they rarely seek help. In the case of an adolescent, it is the family's responsibility to intervene so recovery can be initiated.

Recovery from chemical dependency is very difficult and takes a long time, just like breaking a nicotine habit. Group therapy seems to be more effective than individual counseling. A good first step for parents is attendance at one of the free self-help groups such as Al-Anon, Families Anonymous, or Tough Love. There the parents will learn how to recognise their own unhealthy reactions to their child's behavior, how to make the child responsible for his actions, and how to use crises created by the child constructively. Often times when the child is no longer able to manipulate his parents he becomes ready to accept treatment. A child who asks for help and is highly motivated may do very well by attending AA every night or enrolling in an outpatient program. These children's programs will be more successful if their parents attend their own self-help group meetings. The less motivated children will probably require very intensive, long term programs. There are many types of treatment programs. It is helpful to meet and talk with parents and kids who have been through the programs that are available.



CRITERIA TO LOOK FOR IN A PROGRAM

1. It treats drug and alcohol abuse as a disease rather than as a symptom of a disease. It believes the unacceptable behavior is caused by the chemical use rather than by an underlying cause. It makes the user responsible for his own actions.

2. It promotes an alcohol-and-drug-free life style with drug free counselors. Recreational alcohol or drug use is not allowed. Mood altering prescription drugs are not part of the therapy. Out-patient programs often use urine screening to monitor marijuana use, and Antabuse to monitor alcohol use. Antabuse is a medication that makes one very ill when alcohol is ingested. Parents have the right to know results of urine tests, and the side effects of Antabuse.

3. It uses the twelve steps of Alcoholics Anonymous or includes AA meetings as a part of its program. These tools for self-charge have a long successful history.

4. It provides daily support in the form of group counseling and/or AA meetings for at least 6 months. Aftercare continues on a less frequent basis, often in the form of AA meetings or self-help meetings.

5. At least some of the counselors should be recovered abusers who can relate by personal experience and read through the "cons" of their clients.

6. It provides counseling and education for the total family including siblings. This may be in the form of Al-Anon and Ala-Teen meetings. The family learns to recognize and to change its undesirable behavior responses it has developed in response to the abuser's unacceptable behavior. It strives to re-establish good family relationships.

7. The client must learn to live free of alcohol and drugs in a drug oriented society. After adequate progress in a structured, controlled, drug free environment the client begins a gradual re-entry into society, learning to remain alcohol and drug free at home, school, job, and during leisure time. Therapy continues during re-entry.

RESOURCE LIST

NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH (NFP) Assists in the formation and networking of parent groups in every state. Member groups less than 15 mos. old are eligible to use NFP's tax exempt status upon completion of proper forms. Newsletter and many publications. Membership - individual - $10.00, group - $25.00. 1820 Franwall Ave., Suite 16, Silver Spring, Md. 20902, tel. local 649-7100 or 800-554-KIDS (toll free hotline).

VIRGINIA FEDERATION OF PARENTS (VFP) - Assists in formation and networking of groups in Virginia, and co-ordinates legislative goals for Virginia. Membership - individual - $5.00, group - $10.00. P.O. Box 279, Chesterfield, VA 23832, Ph - 804-320-8778.

FILM LOAN SERVICE - Va. Dept Mental Health & Retardation, Jane Skaggs, PO Box 1797, Richmond, VA 23214, 804-786-3909.

A GUIDE FOR PARENTS - A handbook for parents. $3.50. Kids are our Concern, Inc., PO Box 2093, Winchester, VA 22601, 703-667-0875

PRIDE - Newsletter, many publications, and audio-visual aids. Conducts an annual conference and sponsors 1 day conferences for other groups. Drug use survey available. Maintains list of youth groups. Membership - $8.00. Woodruff Bldg., Suite 1216, 100 Edgewood Ave. NE, Atlanta, GA 30303, tel. 1-800-241-9746.

COMMITTEES OF CORRESPONDENCE, INC. - Newsletter and news flashes sent on urgent issues which need action. Excellent resource list available. Membership is $10.00. P.O. Box 232, Topsfield, MA 01983, tel. 617-774-2641.

FAMILIES IN ACTION - Maintains a drug information center. Publishes 16 pg newsletter - $10.00/4 issues. 3845 N. Druid Hills Rd., Suite 300, Decatur, Ga. 30033, tel. 404-325-5799.

NATIONAL CLEARINGHOUSE FOR DRUG ABUSE INFORMATION (NIDA) List of free publications available. 50 free copies of Parents, Peers, and Pot II, a 100 page book, can be ordered. 5600 Fishers Lane, Rockville, Md. 20852, tel. 301-443-6500.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM (NIAAA) CLEARINGHOUSE List of free publications available. P.O. Box 2345, Rockville, Md. 20852, tel. 301-468-2600.

AMERICAN COUNCIL ON DRUG EDUCATION - Excellent publications for sale. 6193 Executive Blvd., Rockville, Md. 20852, tel. 301-984-5700.

FREE CATALOGUES - Offer many good self help, AA, Al-Anon, and educational publications and audio-visual aids. Comp Care Publications, 800-328-3330 and Hazelden Educational Services, 800-328-9288.

ADOLESCENT DRUG & ALCOHOL ABUSE - by Donald I. Macdonald, M.D. A 200 page book on stages of drug involvement, the drugs, diagnosis and treatment. $15.95. Call 800-621-9262.

GONE WAY DOWN" - TEENAGE DRUG ABUSE IS A DISEASE - by Miller Newton, Ph.D. A 72 page book on adolescent chemical dependency. $4.00 includes postage. Send to Joyce Tobias, 4111 Watkins Trail, Annandale, Va. 22003.

COMMUNITY SERVICES

AL-ANON & ALA-TEEN - 241-2011 (VA) 882-1334 (MD&DC) - Free self-help groups for the parents, spouses, children, and siblings of alcohol abusers who may also be drug abusers.

ALCOHOLICS ANONYMOUS - 241-8195 (VA) 966-9115 (MD&DC) - Free self-help groups for alcohol abusers who may also be drug abusers. Young peoples groups meet every night.

ALCOHOL REHABILITATION, INC. (ARD - 841-0660 (Arlington) - Private, non-profit, residential treatment facility for chemical dependency for adults. Ninety day program.

ALEXANDRIA DIVISION OF SUBSTANCE ABUSE SERVICES - 750-5704

ARLINGTON COUNTY ALCOHOL AND DRUG PROGRAM - 528-0884

ARLINGTON HOSPITAL ALCOHOLISM UNIT - 558-6536 - 28 day, inpatient, alcoholism program for adolescents and adults. Includes assessment, use of AA principals, 4 nights a week family program, and 15 weeks aftercare.

DISTRICT OF COLUMBIA SUBSTANCE ABUSE ADMIN. - 727-0443

FAIRFAX COUNTY/FALLS CHURCH COMMUNITY SERVICES BOARD - 281-6420 - County agency with sliding fee scale. No service is ever refused for inability to pay. Offers many mental health services. Some are:
Crossroads - 691-2468 - Out patient and a residential drug rehab program for all ages.
Local Alcoholic Services (LAS) - 533-0180 - Outpatient program for alcohol problems.
The New Beginning - 968-7330 - In-house 28 day program for alcoholics.

FAMILIES ANONYMOUS - 620-9353 (Va), 460-5839 (Md) - Free self-help group for parents of abusers.

MONTGOMERY COUNTY HEALTH DEPT. DRUG COUNSELING PROGRAM - 565-7729

NARCOTICS ANONYMOUS - 338-7989 - A free self- help group which uses 12 steps of AA.

PRINCE GEORGE'S COUNTY HEALTH DEPT. DIRECTORATE OF ADDICTIONS - 345-2000

RAP, INC. - 462-7500 - (DC) Non-profit, long term, residential program for all ages.

SALVATION ARMY - 642-9270 (VA) - A free residential 90 day adult alcohol and drug rehabilitation program. Includes AA meetings several times a week. Clients work 40 hrs. per week at the Salvation Army building.

SECOND GENESIS - 683-4610 (VA) 656-1545 (MD) Non-pofit, long term, residential drug rehab program for all ages. Evaluation and screening, individual, group and family therapy, and vocational services are included.

STEP ONE SERVICES - 671-6322 (VA) - Private 6 month out-patient program. Three counseling sessions per week, family involvement. Alcohol and drug free status is monitored by use of antabuse and urine screening.

STRAIGHT, INC. - 642-1980 (VA) - A not for profit drug and alcohol rehabilitation program for youth 12-21 based on the principles of AA and rational therapy. Parent and sibling involvement. To attend an open meeting on Friday call 48 hours in advance. Assessments done. Out of town clients accepted.

TOUGHLOVE - 237-8121 - A free self-help group for parents experiencing any kind of behavior problems with their child.

PANDAA MEMBERSHIP FORM

_____ I wish to become a member. Yearly dues of $5.00/person, includes 5 issues of the 8 page educational newsletter.

_____ Donation $____________ Donations $5.00 & over will receive the newsletter. All donations are tax deductable.

____ Please send a free newsletter to enclosed names.

NAME ________________________________

ADDRESS ________________________ ZIP ________

PHONE ________________ SCHOOL ________________

Make checks payable to PANDAA , Mail to PANDAA treasurer,
PO Box 314, Annandale, VA 22003. Phone 703-237-8121

PANDAA GUIDE TO ADOLESCENT CHEMICAL USE

A 12 page guide for parents and professionals which includes why kids do drugs, signs of use, stages of use, effects on the family, treatment, and the drugs of abuse including alcohol.

1 - 9 copies	$0.75 each	50 - 99 copies	$0.30 each
10 - 49 copies	$0.50 each	100 or more copies	$0.25 each

I would like to order ______ copies at ______ each __________

Postage and handling - 15% for orders of 10 & over __________

PANDAA Newsletter subscription, 5 issues for $5.00 __________

Use adjoining form for your address. TOTAL$ __________

Make checks payable to PANDAA. Payment must accompany order.
Mail to PANDAA - Guide, PO Box 314, Annandale, Va. 22003

PANDAA

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Published by PANDAA, Inc., $5.00/ 5 issues.
P. O. Box 316, Annandale, Va. 22003
Phone - 703-237-8121 - Mon-Fri, 9 am to 5 pm
Editor - Joyce Tobias
This newsletter or parts of it may be reprinted with acknowledgement. Anyone may contribute articles. Articles will be used at the discretion of the editor and will become property of PANDAA , Inc.

PANDAA (Parents Association to Neutralize Drug and Alcohol Abuse, Inc.) was founded at Jefferson High School in Fairfax County, VA in April, 1980 by a group of parents concerned about teenage alcohol and drug abuse. The goals of the group are to combat substance abuse in the home, school, and community and to educate the public about all aspects of substance abuse. PANDAA is incorporated and has tax exempt status. There are no salaried personnel. All donations are tax deductible. Membership is open to any individual upon payment of $5.00 annual dues which includes a subscription to the newsletter. PANDAA is supported solely by dues and donations.

PANDAA publishes an educational 8 page newsletter 5 times a year. Its circulation is 5,000 copies. It is mailed to PANDAA members, federal, state, and local legislators, law enforcement personnel, civic leaders, civic clubs, youth leaders, churches, school counselors and principals, pediatricians, and treatment programs, and it is distributed at awareness meetings, workshops, and conferences.

PANDAA works closely with the County School System strengthening school policies and educating school personnel.

The PARENTS OF TEENS program offers a confidental listening ear telephone service (237-8121) Mon. thru Fri. from 9-5 for parents in need of help and support in identifying an alcohol or drug problem. Materials on drug information, treatment programs, and resource lists for awareness programs may be received by calling this number.

The COURTWATCH committee observes drug cases weekly and is effecting changes in the judicial system. PANDAA also lobbies for legislation regarding substance abuse.

PANDAA does many speaking engagements and assists in the formation of new groups. It is a member of the National Federation of Parents and the Virginia Federation of Parents.

PANDAA BOARD OF DIRECTORS

Pat Smith - President,Courtwatch Chairman

Joyce Tobias-Vice-president,Newsletter Ed.

Jack Slapcinsky - Treasurer

Ted Davenport - Secretary, School liason,

Larry Jenney

Connie Kepner - Legislative chairman

Beth Ostrolenk

ADDITIONAL HELPFUL NAMES

PARENTS OF TEENS chairman -
Jane Lyle, 241-2622

Rock Music Presentations
Nancy Kavalieratos, 281-0819

Chemical People Task Force Co-ordinator
Judy Nelson, 425-5367

Substance Abuse Co-ordinator for Fairfax County Schools - Call for school awareness programs, copies of school regulations etc.
Dennis Nelson, 703-698-7546

PANDAA PHILOSOPHIES

Our children have the right to grow up in a drug free environment. Parents have the responsibility to be informed about substance abuse, to communicate to their children a clear and firm "no use" position about alcohol and drug use, to set an example to their children, and to use consistent discipline combined with love and care. A parent's right takes precedence over a child's right to privacy whenever a situation is threatening to the child's health and safety.

PANDAA believes the use and abuse of both legal and illegal drugs has reached epidemic proportions. It has extended into every segment of our communities bringing with it corruption, violence, property loss, family disintegration and disregard for the law. It has become the number one health problem for the 15 to 24 yr. age group, the only age group with a rising death rate.

PANDAA opposes the use of illegal drugs or illegal use of mood altering prescription drugs. PANDAA considers any alcohol use under the legal drinking age abuse. We consider alcohol to be a DRUG which affects emotional and physical development in adolescents, and is capable of producing dangerous changes in behavior and well-being.

The initiation of adolescent alcohol and/or drug use is caused by pro-alcohol and drug media messages, drug using role models, peer pressure, curiosity, availability, acceptance by society, inadequate laws and enforcement of laws. Usage continues because it gives short term pleasure, it becomes a temporary problem solving tool, and society imposes few consequences for abuse. As usage continues it can develop into the disease of chemical dependency which affects the entire family and usually requires treatment. Adolescents can become chemically dependent in 6 months to 1 year while in the adult, dependency usually occurs after 5 to 20 years of usage.

The use of drugs is a clear choice and the user is responsible for any actions committed while under the influence of any drug. Juveniles and adults involved in alcohol and drug related crimes should be evaluated for chemical dependency and where appropriate treatment should be mandated, along with other appropriate consequences. We consider drug trafficking a violent crime which demands serious consequences.

The treatment of chemical dependency has a low success rate. Development of more successful treatment modes is needed. Treatment programs must be accessible, affordable, and acceptable to health insurance plans.

Schools have an obligation to the community and the families they serve to provide an alcohol and drug free learning environment for students. Schools should provide drug education, strictly enforced consequences for violations, substance abuse recognition training for school personnel, help families recognize chemical dependency, and require treatment for readmittance to school when chemical dependency has been diagnosed.

Elected and appointed officials have a responsibility to be informed, enforce the laws as written, and support improved and necessary new laws.

PANDAA GOALS

PANDAA's goal is to eliminate alcohol and drug abuse in our community by:

Offering support and educating families, professionals, and the community about the dangers and legal responsibilities of illegal drugs and alcohol use and prevention techniques, and teaching them to recognize chemical dependency and seek treatment.

Working with school officials, parents, and students for a drug free environment at school.

Working within the community to de-emphasize the "do drug" messages, and opposing the aggressive commercial promotion of alcohol, and encouraging public and social support for those who choose not to use alcohol or drugs.

Supporting the efforts of law enforcement officials by courtwatching, lobbying, and other civic action activities.

Assisting in the formation and development of groups similar to PANDAA.

LEGISLATIVE GOALS

Raise the legal drinking for all alcoholic beverages to 21 years.

All persons convicted of a controlled substance violation, forged and/or altered prescription violation, and sale or possession of marijuana, should have their bonds revoked when found guilty and experience incarceration until sentencing.

All juveniles and adults involved in an alcohol or drug related crime should be evaluated for chemical dependency and mandated to treatment when appropriate.

Any juvenile convicted of an alcohol or drug related crime should have his driver's license revoked until his 18th birthday.

PANDAA
P.O. Box 316
Annandale, Va. 22003

Non-profit Organization
U.S. Postage Paid
Annandale, VA 22003
Permit No. 95

PANDAA

PARENTS' ASSOCIATION TO NEUTRALIZE DRUG & ALCOHOL ABUSE

VOLUME VI, NO. 3 NEWSLETTER MAY 1985

SURVEY INDICATES CORRELATION OF SUBSTANCE ABUSE WITH CRIME

During the week of January 14 through January 18, 1985, a substance abuse survey was conducted on the inmates confined in the Fairfax County Adult Detention Center. Two-hundred sixty-four inmates in the permanent population were interviewed, 7 refused to participate in the survey, resulting in 257 completing the survey.

Only 10% of the inmates did not use alcohol or drugs. Alcohol and/or drug abuse began under the age of 16 for 55% and between 16 and 18 years for 21.1%. Two thirds of the inmates said alcohol and/or drug abuse was a factor in their incarceration. Almost 60% felt they had a substance abuse problem and 31.5% had been treated for it. It would seem that jail would be a very good place for an intensive alcohol and drug rehabilitation program.

The number of inmates from 17 to 25 years dropped sharply, while the number of those over 26 climbed. Perhaps the increasing numbers of adolescents completing drug rehab programs are no longer getting involved in crime, while those who continue to abuse, continue in crime.

This jail survey seems to challenge the popular belief that heroin is the drug which causes the most crime. Alcohol was used by 52.5% of the inmates, marijuana by 32.2%, cocaine by 22.6%, heroin by 13.6%, PCP by 11.3% and other drugs by 7.1%. Almost 70% used more than one substance.

DRUG	drug of choice	secondary drug	total % using
Alcohol	41.2%	11.3%	52.5%
Marijuana	9.3	22.9	32.2
Cocaine	9.8	12.8	22.6
Poly use (several drugs)	10.9	8.2	19.1
Heroin	10.5	3.1	13.6
PCP	6.2	5.1	11.3
Other	2.0	5.1	7.1
No drugs or alcohol	10.1	10.1	10.1
No secondary drug		21.4	21.4

How our use of illegal drugs affects producing countries

by Georgie Anne Geyer. This is an open letter to Americans who are involved with drugs. Ms. Geyer received a complimentary call from Mrs. Nancy Reagan, praising the article. Copyright, 1985, Universal Press Syndicate. Reprinted with permission all rights reserved. For reprint permission contact Mary Ann Woodward, 4400 Johnson Dr., Fairway KS 66205, 1-800-255-6734.

Go ahead, pick up the marijuana cigarette. It's an "innocent" vice, after all. It's a victimless crime. And it gives you such a good feeling.

Go ahead, have some cocaine before dinner and laugh at the squares. You'll have a high like you've never had before, made even more intense by thinking about what your proper old mom and dad would say about it.

Go ahead, young and not-so-young America, take your drugs, which are transforming the world. But do me one favor, will you? Cut out the hypocrisy.

As you so smoke your marijuana cigarette, or as you sniff your cocaine, for just one moment think of the square brown faces of the Bolivian Indians whose country you are destroying. Or think of the body of Rodrigo Lara Bonilla, the upright and courageous Colombian minister of justice who was riddled with bullets by drug "czars" a year ago. Or think of Enrique Camarena Salazar, the American drug enforcement agent kidnapped in Mexico.

Can you honestly tell me that you are not the one who is destroying Bolivia? Or that you were not the clean hand behind the dirty hand that killed Mr. Lara? Or that you weren't the one responsible for Mr. Camarena's kidnapping — and the swiftly developing breakdown of neighboring Mexico because of drugs?

Let me tell you about these countries.

Bolivia is a vast, high, glorious plateau of purples, pinks, and browns, where the descendants of the great Inca empire live strange and still wondrous lives. When the winds and rains sweep across the Altiplano, the Indians stand on little piles of rocks and wave palm leaves to drive the storms away.

But Bolivia was once a hopeful country, despite its poverty. It had the single great non-Marxist democratic revolution in South America in 1954, and it was doing well — until the drug trade came and so destroyed its institutions that it now is in the thrall of anarchy.

Colombia is another glorious Andean country, but more gray and heavy in its traditionally Spanish spirit. The Colombians had terrible years of what they called "la Violencia" in the 1950's, in which upward of 200,000 were killed in cruel countryside fighting that was a blend

continued page 3

OPEN TO THE PUBLIC

PANDAA ANNUAL MEETING

WEDNESDAY MAY 15, 7:30 PM

ROBINSON HIGH SCHOOL AUDITORIUM

5035 Sideburn Rd., Fairfax - off Braddock Rd.

JOHN GRANFIELD

FAIRFAX COUNTY CHIEF OF POLICE

The new acting chief of police will give us an update on drug trafficking in Fairfax County. He will also discuss how citizens and the police can help each other in Fairfax County's War on Drugs.

KAREN TANDY

U.S. DRUG TASK FORCE PROSECUTOR

Karen will speak about her area of expertise, civil forfeiture, and marijuana, and hashish cases, including the 3 yr. investigation of the Reckmeyer and Toombs $100 million dollar marijuana and hashish drug empire.

A brief business meeting with election of the Board of Directors will precede the program.

NORML'S COMEBACK

by Leslie Van Cleave

I had to shake my head and smile when I saw a recent photograph of Kevin Zeese, National Director for the National Organization for the Reform of Marijuana Laws (NORML). It was perfect.

He's got the "nice young man" look. In the photo, he's sporting the traditional Oxford button-down shirt under the typical Preppy sweater. His wide, blue eyes peer through circular-framed glasses and he's grinning.

Yes Kevin. The joke's on us all right!

NORML, founded 14 years ago under the direction and energies of Keith Stroup, is currently under the direction of Zeese who has reduced NORML's $100,000 deficit to a meager $10,000.

The organization, which was financially and politically strong in the early 1970's, suffered in 1979 when Keith Stroup left NORML bringing with him most of the lobby's financial backers (Hugh Hefner, Stewart Mott, doctors from Harvard and many of its members).

Since Zeese took over in 1983, NORML has regained much of its original financial strength and it's just a matter of time before it regains its political strength.

Why should the American public concern itself with either the financial or political success of an organization like NORML? They're out to legalize marijuana - the cultivation, possession and use of it and they're not going to stop until they have accomplished their goal.

Just stop for a moment to consider what would happen if pot was legalized in this country. Your kids could get it anywhere, from any source, and you couldn't stop them from smoking it. We'd be raising a generation of fog-brained, pot-dependent people.

God help us.

NORML's arguments are familiar. They use the same angles used by the alcohol and tobacco companies - "People use it anyway. It will always be around," and the clincher - "we could be taxing this stuff and making lots of money for the state and Federal governments." (I guess when all else fails, you can appeal to the greed of a nation.)

I don't know about you, but it sounds to me like they're lobbying for a surrender - a peace treaty that says "Give it up America! Pot's here to stay! Admit it and legalize it!" That sounds pure defeatist to me.

This peace treaty would be expensive - a treaty made at the expense of peer-pressured adolescents who don't understand the potential dangers of smoking marijuana.

NORML's position is selective. They're "pro-choice." In other words, they believe that if "responsible adults" want to smoke pot, they should be allowed to do so. Well, that's a difficult point to argue here in America. However, we can't deceive ourselves into thinking that marijuana would only be smoked by "responsible adults." It isn't now and it won't be if it is legalized.

Like alcohol, kids would get it from those "responsible adults" who have the right to smoke it. But, do they have the right to give it to kids? do they have a right to pass the dependency on to new generations? No. No, they do not.

Outside of adolescent abuse, there is the startling realization that many "responsible adults" are getting high two and three times a week (some of them every day). Many of these adults have said, "If I could quit, I would. But, I can't seem to stop smoking the stuff. I want to, but I can't."

That's scary business. That's hardly "pro-choice."

So the next time you hear some kid, or some "responsible adult", tell you they have a right to smoke marijuana, ask them if they have a right to quit smoking it. Ask them if marijuana would let them stop if they wanted to. You may hear silence. Freedom, after all, is often just a state of mind.

Write to NORML. Ask them to send you information. Understand who they are and what they intend to accomplish. Their address is 2001 S Street NW, Washington, D.C. 20009.

CALL THE ABC,

Suspected violations of alcohol control laws may be reported to the Virginia Department of Alcohol Beverage Control (ABC) by calling a toll-free number in service 24 hours a day, 7 days a week. The Department urges citizens to call. Know the name, address, and town where the violation occured.

CALL 1-800-522-3200

JOIN THE RED RIBBON CAMPAIGN

On March 9, 1985, hundreds of law enforcement officers gathered in Calexico, California to pay their last respects to fellow worker, Enrique Camarena Salazar, a victim of the increasing violence caused by the emergence of cocaine onto the national scene. He is just one of countless victims of the escalating drug war in our country and around the world.

Americans have united time and time again to send out a clear message that we would protect our own when our basic values have been threatened. PANDAA joins with the Virginia Federation of Parents for Drug Free Youth and other parent groups and citizens of America to display a red ribbon as a symbol of our commitment to become aware and work in our community to reduce the demand for illegal drugs. We ask, that as the yellow ribbon was symbolic for our missing prisoners, and the green ribbon for the children of Atlanta, so now should the red ribbon, worn by Americans, symbolize our commitment to suffer no more the loss of our young people, the loss of careers, the breaking up of families, or the loss of law enforcement officers due to illegal drugs.

From this day forward, whenever we see the red ribbon displayed on a lapel, on a front door, on a tree, let it be the symbol of Americans united with one goal - not our children, not our families - not our country.

ILLEGAL DRUGS cont'd from page 1

of banditry and Marxism. Still, because Colombia had a truly dedicated leadership class, both in politics and in the military, amazingly they were able to overcome this period.

But now this valiant country is slipping into the quicksand as drug "families" (an obnoxious use of the word!) are rapidly taking over the country, destabilizing the government and the judicial system. No one can be sure whether Colombia will continue as the stable and hopeful democracy - or even the country - it has been.

Mexico, of course, is the country that had the first great revolution in Latin America in general, in 1910 and 1911. It has been the area's hope, a country of vast energies with an open future.

Today, it has many problems - terrible corruption, civil wars on its southern borders, immense overpopulation, economic breakdown, and debt problems. But if it didn't have the drug problem - the north of Mexico now is practically ruled by drug dealers - it probably could "make it". With these drug dealers it's all a tossup.

At this point, I think I know what you will say. You will argue that it is their fault. The drugs are illegal; let their governments clean them up.

Forgive me if I differ emphatically with this rationalization. Governments are fragile; states are not forever, particularly with struggling countries like these.

You want the decent people down there to die trying to control the drug traffic - while you won't even deny yourself a momentary kick. No, the fault is yours; the drug trade primarily is yours, and thus it is all of ours, we Americans. It arises out of your egocentric narcissism. The blood is on your hands first.

Out of your selfishness, you've actually unleashed a compelling new force in the world. The Washington Post calls it "a revolutionary political force of global dimensions," referring to the geopolitical force of the trade whose drugs now reach an estimated 25 million Americans.

No one ever said that "revolutions" were all good. Many take mankind backward, particularly when they have to do with drugs. The opium wars of the 19th century put the final seal on the destruction of the China of that time (an epoch they are still only working their way out of).

The Inca Indians of the Andes turned to chewing the soporific coca leaf to forget the Spanish conquest (and still are numbed by its effects). In many parts of the Middle East, hashish is the drug of historic forgetfulness.

But these peoples had drugs forced upon them - took them to obliterate wrenching historical experiences. You are taking them wantonly, and in the process - make no mistake about it - blithely destroying whole cultures and countries.

Odd, isn't it, that 15 or 20 years ago, young Americans flocked to join the Peace Corps to help build up these countries.

Now it is your generation of Americans who are staying home and destroying them.

LSD USE UP

LSD is experiencing a resurgence of popularity among Fairfax County teenagers. It ranks third after alcohol and marijuana in the local teenage drug culture. The Fairfax County drug rehabilitation program, Crossroads, estimates that 80% of its present teenage clients admit to LSD use as compared to about 5% using this hallucinogen in 1983. It seems to be just as popular with girls as with boys. Most of the teens report being exposed to it in the seventh or eighth grades. Adults enrolled in the Crossroads program say that they may have used it when they were younger but stay away from it now.

LSD is a difficult and dangerous drug to manufacture. For this reason PCP (an even more dangerous hallucinogen with an odor of ether) is often sold as LSD. LSD is odorless, colorless, and tasteless. Doses of LSD are miniscule - an aspirin sized tablet makes 2 million hits and is worth $600,000. **LSD requires very careful handling since it is absorbed through the skin when touched.** Currently, "hits" are most often sold as "blotter acid" which are stamp sized pieces of blotter paper with pictures of dragons, Disney characters, and in one case Ronald Reagan. It is put on the tongue or licked. The bits of blotter acid are easily concealed by slitting the stitching on a shirt cuff and inserting the stamp sized pieces. It is also sold in the form of tablets, and thin squares of gelatin ("window panes"). The window panes can be put in the eye under the eyelid for quick absorption or for quick removal of evidence of possession. Drops of LSD can be frozen in ice cubes or dropped into someone's drink. A hit of acid can induce a 12 hour trip for $5.00 while a good marijuana cigarette can cost the same but the effects last only a few hours. Some slang terms for LSD are acid, green or red dragon, paper acid, white lightening, blue heaven, purple haze, sugar cubes, and blotter acid.

Hallucinogens, often called psychedelics, affect perception, sensation, thinking, and emotions. The user may have difficulty distinguishing between fact and fantasy and may refer to seeing sounds or hearing colors. Other possible effects may include dilated pupils, incoherent speech, lack of coordination, cold, sweaty hands and feet, vomiting, laughing, crying, shivering, goose pimples, irregular breathing, a strong body odor, and suicidal or homicidal tendencies. Chronic use can cause brain damage. The effects may be different in each person with each administration. **Persons in hallucinogenic states should be upset as little as possible to keep them from harming themselves or others.** LSD is stored in the fatty tissue of the brain and slowly released back into the bloodstream. This can cause the user to experience "flashbacks", which are the recall of unpleasant effects of the drug weeks or months after the last dose.

VFP CONFERENCE

VIRGINIA FEDERATION OF PARENTS
FOR DRUG FREE YOUTH

PRESENTS CONFERENCE

FOR PARENTS AND PROFESSIONALS

SEPTEMBER 20 & 21, 1985

HOWARD JOHNSON'S IN RICHMOND

For information-call 804-320-8778 or write
VFP, P.O. Box 279, Chesterfield, VA 23832

ONE IN FIVE HIGH SCHOOL SENIORS USE COCAINE

Cocaine use among U.S. high school seniors increased from 6% in 1976 to over 20% in 1982. As adolescent use increases, so do the calls for help. Dr. Mark Gold, founder of the toll-free cocaine hotline and author of the book 800-COCAINE, reported on a survey of 100 randomly picked adolescent cocaine users who called the 800-COCAINE number in the British Medical Journal, Lancet. The number of 13-19 year old callers rose from 9% in 1983 to 17% in 1984. He attributes the increased use in part to lower prices (50% lower in the past year) and easy availability.

The typical adolescent cocaine user has a middle-class background, is 16 years old and a high-school junior. Although their parents did not approve of adolescent use, 44% said their parents used marijuana or other drugs.

In adolescents, cocaine abuse seems to lead to more rapid and more severe drug-related consequences than it does in adults:

19% had suffered brain seizures.
13% had auto accidents;
14% had or were attempting suicide;
27% were violent;
69% were in trouble staying in school;
31% had been expelled from school;
31% had stolen from friends or families;
44% sold drugs to support their habit.

Most of the adolescents used other drugs to counteract the unpleasant side effects of cocaine 92% used marijuana, 85% alcohol, 64% sedative hypnotics, and 4% heroin.

WE WON!

Several years of hard work by many citizen groups across the State have finally culminated in the passing of several pieces of important legislation by the 1985 Virginia General Assembly. PANDAA is especially proud of the tireless efforts of PANDAA members, Connie Kepner, Dee Rathbone, and Bill Sutcliff. They formed the Virginia Coalition of Parents to work soley on alcohol and drug related legislation. They spent several years contacting all Virginia legislators about the Drinking Age and Civil Forfeiture bills, made many trips to Richmond and did many mailings at their own expense. Thanks Connie, Dee, and Bill.

A "21" DRINKING AGE FOR VIRGINIA

The legal age for all alcoholic beverages will be raised to 20 in July, 1986 and 21 in July, 1987. Thanks to all who helped, but our job isn't over yet. We need to convince Washington DC officials (particularly Mayor Marion Barry) to raise their drinking age from 18 to 21. Since Maryland and Virginia have raised their drinking ages the Georgetown area of Washington DC has become the drinking haven for our young people and thereby a hot bed of trouble. Write to Mayor Marion Barry, Suite 520, District Building, 1350 Pennsylvania Ave., Washington DC 20004 or call 727-6319.

CIVIL FORFEITURE LAW

This is probably the most effective law for deterring drug dealers. Civil Forfeiture provides the state with the power to file a civil suit against drug dealers. Dismissal of criminal charges against a "dealer" does not prevent the state from civilly suing for return of the property. Civil Forfeiture goes after the drug dealer where it hurts most - his profits (estates, bank accounts, cars, boats, etc.), and returns these profits to the state.

DRUG INFORMATION SERVICE

A state-wide toll-free telephone information service provides telephone access to recorded information tapes, 2-3 minutes long, on drug and alcohol related topics. Trained operators are available to supplement the taped messages in the event of emergencies. It is a 24 hour service for push button phones, and a 9 a.m. to 3 p.m., Mon. thru Fri. service for rotary dial phones. Tapes and their No. Virginia code nos. include:

Marijuana
  125 - a brief overview
  121 - effects - females
  126 - effects - males
  120 - damage to lungs
  127 - increased potency
  119 - physical tolerance
  128 - emotional impact
  124 - body accumulation
117 - Amphetamines
129 - Tranquilizer
130 - Barbiturates
134 - Drug use by youth
135 - Alcohol
118 - Cocaine
133 - Codeine
132 - Heroin
131 - LSD
115 - Opium
114 - Morphine
113 - Methadone
116 - PCP
112 - Smoking

CALL 1-800-552-3784

ALIENS AND DRUGS

Aliens convicted of any drug or other felony crime will be turned over to the federal government and deported. Keeping aliens convicted of drug offenses will no longer be the responsibility or expense of the state under this new law. PANDAA Courtwatchers brought the need for this law to the attention of our lawmakers.

PANDAA and the Virginia Coalition of Parents wishes to thank all the members of the Virginia General Assembly for their support and in particular, thanks to Senator Richard Saslaw and Delegates James Dillard, Frank Hargrove, Frank Medico, and N. Leslie Saunders.

DID YOU KNOW?

- Virginia law allows a judge to suspend the drivers license for up to one year of any underage person convicted of purchase or possession of alcoholic beverages. This is in addition to a fine for the offense. From Va. Code §4-62, & 4-112(c).
- You can be fined up to $500 and receive up to 6 mos. in jail for drinking or possession of any alcohol on school grounds during school hours or any school activity. From Va. Code §4-78.1.
- You can be fined up to $1,000. and/or be put in jail for up to 1 year if you purchase alcoholic beverages for anyone under 19 years of age. From Va. Code §4-112.1(a).
- If your minor child is abusing driving responsibilities, you can have his license suspended and ask that no duplicate be issued.

PANDAA COURTWATCH STATISTICS

1 OCTOBER 1984 - 31 DECEMBER 1984

FAIRFAX COUNTY CIRCUIT COURT

JUDGES	Cases 33 mo. ended 9/30/84 number tried	% of time served	% of time suspended	Cases 3 mo. ended 12/31/84 number tried	% of time served	% of time suspended	No. of DEFENDANTS	Sentenced to jail	Probation only, no jail	All jail time suspended	Other	[illegible]	Evaluation/treatment ordered	Fines imposed	Fines suspended	Community service	Average time served	[illegible]
F. Bruce Bach	47	31.4%	68.6%	11	69.4%	30.6%	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	
J. Howe Brown, Jr.	36	23.1	76.9	5	100.0	-0-	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	$1,500	-0-	[illegible]	[illegible]	
Johanna Fitzpatrick	36	33.1	66.9	16	12.2	87.8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	
Lewis H. Griffith	27	11.8	88.2	17	5.6	94.4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	
Quinlan H. Hancock	67	21.9	78.1	[illegible]	no time imposed		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2,250	-0-	100 hrs.	[illegible]	
Richard J. Jamborsky	22	40.8	59.2	11	17.4	82.6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	
Bernard F. Jennings	37	24.7	75.3	13	17.6	82.4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			[illegible]	[illegible]	
Barbara M. Keenan	33	18.7	81.3	14	18.8	81.2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	[illegible]
Thomas J. Middleton	6	18.5	81.5	8	-0-	100.0	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1,000	-0-		[illegible]	
William G. Plummer	43	22.9	77.1	8	18.7	81.3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]				[illegible]	[illegible]
Jack B. Stevens	23	7.5	92.5	11	8.8	91.2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]					
	388			119			93	47 50.7%	21 22.5%	31 33.1%	8 8.7%	41 44.1%	28 18.7%	$4,750		[illegible]	[illegible]	[illegible]

a. Assigned to CDIP - This is a special program in which the prison sentence is suspended. The defendant is placed on probation, and a diversion plan is negotiated which may include financial restitution, community service, drug rehabilitation, urine screening, job counseling, etc.

b. All of these defendants were released under the provisions of Va. Code 18.2-251 wherein, if the defendant has no further dealings with the courts during a designated period of time, the charges will be dismissed and no felony conviction will exist.

c. Only one case had jail time imposed which was only 3 months. The defendant had been a narcotics user for 10 yrs.

d. One defendant ordered to rehabilitation.

e. Both cases nolle prosequi. Prosecution has one year to reinstate proceedings.

f. These defendants were incarcerated because of probation violations, but because of new crimes.

g. Cases dismissed under provisions of Va. Code 18.2-251, explained above in #b.

h. One of these defendants had 4 separate charges yet all jail time was suspended.

i. One defendant, not convicted, fled to Bolivia prior to sentencing.

j. This case dismissed, one case nolle prosequi.

k. If 2 PCP cases of Judge Bach are removed, the average jail time to be served would drop to 1 mo. 17 days.

CASES CLASSIFIED BY DRUG, DISTRIBUTION (SALE) OR POSSESSION CHARGES, AND JAIL TIME TO BE SERVED BY YEAR/MONTH

JUDGES	COCAINE Sale	yr mo	Poss	yr mo	PCP Sale	yr mo	Poss	yr mo	MARIJUANA Sale	yr mo	Poss	yr mo	LSD Sale*	yr mo	Poss	yr mo	HEROIN Sale	yr mo	Poss	yr mo	OTHER Sale	yr mo	Poss	yr mo
F. Bruce Bach			2	-0-	7	29/09			1	.03											1	1/00		
J. Howe Brown, Jr.			1	-0-					4	-0-					1	-0-								
Johanna Fitzpatrick	1	1/00			1	3/00															4	3/00		
Lewis H. Griffith	1	-0-	2	-0-	1	-0-	2	1/06											1	-0-	1	-0-		
Quinlan H. Hancock							1	-0-	3	-0-	1ᵃ	.02	[illegible]	-0-							2	.05		
Richard J. Jamborsky	1	-0-	3	-0-																				
Bernard F. Jennings	2	1/05	3	1/06	2	-0-	4	2/01	2	2/00											3	.10		
Barbara M. Keenan	8	13/07	5	[illegible]	3	7/00	1	3/00									1	-0-						
Thomas J. Middleton	1	-0-	2	-0-	1	-0-			1	-0-														
William G. Plummer			3	-0-	1	1/00	1	-0-	3	.06					2									
Jack B. Stevens	3	2/00	2	.03	2	.03	2	-0-	1	-0-	1	.03												
TOTALS	19	17/07	23	2/30	13	39/11	12	8/07	15	2/09	2	.05	1	-0-	1	-0-	1	-0-	1	-0-	11	4/10		
Average Jail Time	1 yr. 11 mo. 10 da.		11 days		24 mo.		8 mo. 14 da.		2 mo.		2.5 mo.		-0-		-0-		-0-		-0-		5 mo. 8 da.			

	SALE %	POSS %	Revocation of previously suspended time	Found not guilty	Nolle prosequi	Dismissed
Total Cases	60 58.6%	28 31.4%	14 11.8%	[illegible]	2 1.1%	3 2.5%
Total Jail Time	N/A	N/A	3 yr. 3 mo. 10 da.			
Average Jail Time	11 mo. 13 da.	2 mo. 13 da.	3 mo. 17 da.			

a. This defendant had 11 lbs. of marijuana on his person at the time of arrest yet claimed he was not a dealer.

Jail Sentences for Drug Cases Continue to Drop

The judge's sentence is certainly the THE BOTTOM LINE MESSAGE to the community, the user, and the distributor of drugs. During the 25 month period of 11/12/82 to 12/31/84 the PANDAA COURTWATCH committee monitored 517 felony drug cases in the Fairfax County Circuit Court and is puzzled by the messages our judges are giving. Statistics for 119 cases observed in the 3 month period of 10/01/83 to 12/31/84 are on the facing page.

The average jail time imposed continues to drop significantly. In the last 3 reporting periods the average time imposed dropped from 1 year, 9 months to 10 months, 3 days, and finally down to 8 months, 15 days. The law requires 10 days off for each 20 days of good behavior, which further reduces jail time served. Fines imposed also continued to drop. In the last 3 reporting periods fines dropped from $24,471 to $14,450, to $9,750.

Only 46.7% of defendants were ordered to jail, 23.2% had all jail time suspended. One judge imposed no jail time, while another suspended all jail time imposed. Eight of 11 judges suspended from 81.3 - 99.2% of jail time imposed.

Cocaine was the most frequently confiscated drug. Of the 42 cases, 25 (60%) received no jail time. The average jail time for sale of cocaine was 11 months, 3 days and only 32 days for possession. The Virginia Code mandates 5 to 40 years in prison for the sale of cocaine and 1 to 10 years or up to 1 year in county jail for possession.

The Washington Metropolitan area ranks second in the nation for the manufacture and use of PCP, probably the most dangerous drug. In the first 9 months of 1984, there were 178 PCP related deaths in the Metropolitan area. Yet, 9 of 25 PCP cases (36%) received no jail time at all. The Virginia Code requires 5-40 years in prison for distribution or manufacture of PCP, 10 - 50 years for sale to a minor, and 1 - 10 years for possession.

Eleven of 17 marijuana cases (65%) received no jail time. One defendant who had been a recreation coach for 10 years received only 3 months jail time for the sale of marijuana. The Virginia Code mandates 1 to 10 years prison time for the sale of marijuana. The defendant had 13 lbs of marijuana on his person at the time of arrest and claimed he was not a dealer.

None of the 4 Heroin and LSD cases received any jail time. This is especially disturbing since the Fairfax County Crossroads drug rehabilitation program recently reported that 80% of the teenagers enrolled now in the program admitted to using LSD as compared to 5% admitting to LSD use in 1983. With the dramatic rise in LSD use why were there only 2 LSD cases?

Our courtwatching can only be effective if you, the public, will use our figures and contact public officials. Fairfax County has a surplus of money and is proposing a tax cut. PANDAA would like to see some money used to hire additional narcotics agents. Call or write and express your concerns to the Fairfax County Board of Supervisors and to the judges (Honorable Fairfax County Courthouse, 4110 Chain Bridge Road, Fairfax, Va. 22030).

On the national level, the 1983 Diplomacy Against Drugs Law allows the President to cut off foreign aid to countries which do not cooperate with the Drug Enforcement Administration in crop reduction and the harboring of distribution sources. Please write to President Reagan and ask him to invoke his power. Ask your Congressmen to encourage the President to use this law, and, also, to support Senator Paula Hawkins' bill, #S.2-90, which would curtail aid to Bolivia if it does not lower its coca production by 10%.

We continue to need volunteers to monitor our courts. Please consider helping us in this rewarding and worthwhile work. Send us your name and phone number or call 237-8121. No legal background is necessary. We will give you an orientation session and assist you in the courtroom.

* * *

PANDAA "MOCKTAIL" DANCE

FRIDAY MAY 3, 1985

HYATT REGENCY IN ARLINGTON, VA.

2799 JEFFERSON DAVIS HIGHWAY

DANCE TO THE BIG BAND MUSIC OF

The Starlite Orchestra

17 piece

AN ALCOHOL-FREE FUND RAISING GALA

Admission $8.00 Dancing 9:00 pm - 1:00 am
Two for $15.00 Information 703-237-8121
tax deductible 301-951-1115

TICKETS WILL BE SOLD AT THE DOOR

YOU DID HELP

On March, 1985 Robert and Christopher Reckmeyer pleaded guilty to conducting an extensive marijuana and hashish sales operation in the Northern Virginia area for the past 10 years with profits estimated at $100 million. Many of our children who purchased marijuana in this area during the past 10 years are possible victims of the Reckmeyers' crime.

The Federal Comprehensive Crime Control Act of 1984 provides for the inclusion into the presentencing report of information pertinent to assessing the impact of the offense upon individuals against who the offense has been committed. PANDAA has prepared a victim impact statement to be presented at the sentencing of the Reckmeyer brothers on behalf of the parents and children of the Greater Washington Area who have been victimized directly or indirectly by the trade of marijuana and hashish by Christopher and Robert Reckmeyer. It asks two things. First, in considering the sentences, that the court recognize that marijuana and hashish are dangerous drugs and trafficking in them has seriously damaged not only these families, but the total community. Second, that the court punish Christopher and Robert Reckmeyer to the fullest extent allowed by law for conducting a criminal business of such widespread and devastating nature. The statement also includes many letters from families victimized by drug use. PANDAA extends many thanks to the families who so courageously contributed letters of such a personal nature to prepare the victim impact statement. We will have a report on the outcome of the case in the September newsletter.

LISTEN TO WGTS 91.9 FM

STRAIGHT TALK RADIO SHOW

TUESDAY EVENINGS - 6:30 to 7:30

Bill Burns interviews a guest who is experienced in a specific aspect of substance abuse. You may call in with your questions about symptoms of drug and alcohol use, rehabilitation programs, parent awareness groups, etc.

STRAIGHT TALK HAS GONE NATIONAL

The show is aired live every Tuesday and Thursday afternoon, 1:00 - 2:00 p.m. EST. During the show there is a call-in help number, 800-5-FAMILY. To get this show in your area, contact your local radio station that is an affiliate of the Mutual Broadcasting Network. Request the show and inform them that it is transmitted free on satellite supplementary services channel 6(76.7). The local station may have 7 minutes of local advertising broadcasted at the station's time choice.

GUIDE TO ADOLESCENT CHEMICAL USE

A 12 page PANDAA guide for parents and professionals which includes why kids do drugs, signs of use, stages of use, effects on the family, treatment, and the drugs of abuse including alcohol is available for purchase in bulk orders or on a single copy basis. Order form is on page 7.

PANDAA ON THE RECEIVING END

The typewriters are getting busier in PANDAA homes since PANDAA received a $5,000 grant from the **JUNIOR LEAGUE OF NORTHERN VIRGINIA, INC.** for publication of our upcoming handbook for parents and professionals. A committee of parents who have had a child complete an alcohol and/or drug rehabilitation program have been working on the handbook for two years. In November, 1984 we published a 12 page mini version of the handbook (Guide to Adolescent Chemical Use) to serve the public until we could acquire funding to complete our proposed book. The book will be approximately 80 pages and will include information on specific drugs, signs and symptoms of drug and alcohol abuse, recognition of a problem, the effects on the family, treatment, the adolescent drug culture, how to start a parent group, activities which can be done in the school and community, and many personal stories. The book will be published in the spring of 1986. It will be sold at a nominal price and at discount rates for bulk orders.

We also received some very welcome large donations recently. **THE OPTIMIST CLUB OF ARLINGTON** donated $200, and **ST. FRANCIS EPISCOPAL CHURCH** in Great Falls donated $250. The recent rise in postal rates makes these donations especially appreciated. Dance patrons will be recognized in the next newsletter.

Many thanks to all of our benefactors.

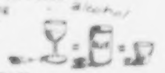
DOES YOUR CHILD'S BEHAVIOR PUZZLE YOU?

DO YOU?

find it difficult to communicate with your child
make excuses for bad behavior
blame your spouse for the problems
argue with your spouse over this child
blame the school for the problems
blame his friends for the problems
blame his friends' parents for the problems
dread coming home
avoid being with your family
find reasons to work on the weekend
feel powerless
sometimes wonder if you love him

AT HOME DOES HE/SHE?

avoid the family
disregard or break rules
receive mysterious phone calls
often listen to loud rock music alone
act rebellious
have friends you don't like
have friends you don't know
argue over nothing
use bad language
sleep a lot
crave sweets
act secretive
stay up until all hours
display declining morals



AT SCHOOL DOES HE/SHE?

arrive late
skip classes
cheat
vandalize
have declining grades
blame teachers for problems
disrespect authority

If you answer yes to some of these questions,

THE PROBLEM COULD BE ALCOHOL OR DRUGS

Your child's life could be in danger
Don't wait, find out now....CALL

PARENTS OF TEENS

WE OFFER YOU

CONFIDENTIALITY

ANONYMITY

CARE

CALL 237-8121

PANDAA Parents who have had a child recover from an alcohol and/or drug problem give their volunteer time to help you understand what is happening in your family. They will **listen** to you. They can relate their own personal experience to you. They understand the hurt, anger, fear, and disruption caused by drug and alcohol problems in the family. They will help and support you. A parent is on call Monday thru Friday, from 9 a.m. to 5 p.m. to answer your questions, give you support, and mail information to you. The area code for callers outside the Washington DC area is 703.

HOTLINES

1-800-554-KIDS National Federation Parents
1-800-241-9746 Pride Drug Information Line
1-800-638-2045 - National Inst. Drug Abuse
1-800-COCAINE - Cocaine Hotline
1-800-BE SOBER - Hotline
1-800-BAD WEED-Report marijuana growing
573-5679 - Woodburn Center, Fairfax Cty
Family & drug abuse emergencies
804-771-9109-Families Anonymous Richmond
1-800-231-6946 - Runaway hotline calls parents for runaway; referral service
Operation Home Free - Any minor escorted to a Trailways bus station by an officer identifying the minor as a missing or runaway child will be issued a free ticket home.

FREE DIRECTORIES TO REHAB PROGRAMS

Directory of Community Substance Abuse Programs in Virginia: Secretary for Community Substance Abuse Services, Dept. MH/MR, PO Box 1797, Richmond, VA. 23214. Call 804-786-1524.

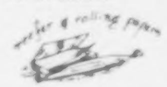
National Directory of Drug Abuse and Alcoholism Treatment Programs, #(ADM) 83-321. NCDAI, PO Box 1908, Rockville, MD. 20850.

MAYBE YOUR CHILD NEEDS HELP

When symptoms of alcohol and/or drug use begin to disrupt family and school life, the child has usually been abusing for at least one to three years, and is already chemically dependent, even though his use may be restricted only to alcohol and/or marijuana. If the parent finds that strict rule enforcement, close surveillance, spending more time with the child, professional counseling, etc. do not solve the problem, it gradually becomes obvious that the parents cannot "fix" their child alone. Outside help is needed from those experienced in the field of chemical dependency.

A child's drug use is not the parents' fault. The main cause is peer pressure. The child made his choice to do drugs. That choice progressed into the disease of chemical dependency. He needs treatment just as a diabetic child needs treatment. Few parents of diabetic children would withhold treatment because their child did not want injections. Untreated diabetes and untreated chemical dependency are fatal. A characteristic of chemically dependent persons is denial of their disease, and so they rarely seek help. In the case of an adolescent, it is the family's responsibility to intervene so recovery can be initiated.

Recovery from chemical dependency is very difficult and takes a long time, just like breaking a nicotine habit. Group therapy seems to be more effective than individual counseling. A good first step for parents is attendance at one of the free self-help groups such as Al-Anon, Families Anonymous, or Tough Love. There the parents will learn how to recognize their own unhealthy reactions to their child's behavior, how to make the child responsible for his actions, and how to use crises created by the child constructively. Often times when the child is no longer able to manipulate his parents he becomes ready to accept treatment. A child who asks for help and is highly motivated may do very well by attending AA every night or enrolling in an outpatient program. These children's programs will be more successful if their parents attend their own self-help group meetings. The less motivated children will probably require very intensive, long term programs. There are many types of treatment programs. It is helpful to meet and talk with parents and kids who have been through the programs that are available.



CRITERIA TO LOOK FOR IN A PROGRAM

1. It treats drug and alcohol abuse as a disease rather than as a symptom of a disease. It believes the unacceptable behavior is caused by the chemical use rather than by an underlying cause. It makes the user responsible for his own actions.

2. It promotes an alcohol-and-drug-free life style with drug free counselors. Recreational alcohol or drug use is not allowed. Mood altering prescription drugs are not part of the therapy. Out-patient programs often use urine screening to monitor marijuana use, and Antabuse to monitor alcohol use. Antabuse is a medication that makes one very ill when alcohol is ingested. Parents have the right to know results of urine tests, and the side effects of Antabuse.

3. It uses the twelve steps of Alcoholics Anonymous or includes AA meetings as a part of its program. These tools for self-change have a long successful history.

4. It provides daily support in the form of group counseling and/or AA meetings for at least 6 months. Aftercare continues on a less frequent basis, often in the form of AA meetings or self-help meetings.

5. At least some of the counselors should be recovered abusers who can relate by personal experience and read through the "cons" of their clients.

6. It provides counseling and education for the total family including siblings. This may be in the form of Al-Anon and Ala-Teen meetings. The family learns to recognize and to change its undesirable behavior responses it has developed in response to the abuser's unacceptable behavior. It strives to re-establish good family relationships.

7. The client must learn to live free of alcohol and drugs in a drug oriented society. After adequate progress in a structured, controlled, drug free environment the client begins a gradual re-entry into society, learning to remain alcohol and drug free at home, school, job, and during leisure time. Therapy continues during re-entry.

RESOURCE LIST

NATIONAL FEDERATION OF PARENTS FOR DRUG FREE YOUTH (NFP) Assists in the formation and networking of parent groups in every state. Member groups less than 15 mos. old are eligible to use NFP's tax exempt status upon completion of proper forms. Newsletter and many publications. Membership - individual - $10.00, group - $25.00. 1820 Franwall Ave., Suite 16, Silver Spring, Md. 20902, tel. local 649-7100 or 800-554-KIDS (toll free hotline).

VIRGINIA FEDERATION OF PARENTS (VFP) - Assists in formation and networking of groups in Virginia, and co-ordinates legislative goals for Virginia. Membership - individual - $5.00, group - $10.00. P.O. Box 279, Chesterfield, VA 23832. Ph - 804-320-8778.

FILM LOAN SERVICE - Va. Dept Mental Health & Retardation, Jane Skaggs, PO Box 1797, Richmond, VA 23214. 804-786-3909.

A GUIDE FOR PARENTS - A handbook for parents. $3.50. Kids Are Our Concern, Inc., PO Box 2093, Winchester, VA 22601, 703-567-0875.

PRIDE - [illegible] audio-visual aids [illegible] ence and [illegible] groups. [illegible] list of [illegible] Woodruff [illegible] NE, Atlanta [illegible]

COMMITTEES OF CORRESPONDENCE, INC. - Newsletter [illegible] sues which [illegible] available. [illegible] Topsfield, [illegible]

FAMILIES IN ACTION - [illegible] mation [illegible] $10.00/4 [illegible] 300, Decatur, [illegible]

NATIONAL CLEARINGHOUSE FOR DRUG ABUSE INFORMATION [illegible] lications [illegible] Peer, and [illegible] dered. [illegible] 20852, tel. [illegible]

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM (NIAAA) CLEARINGHOUSE - [illegible]

AMERICAN COUNCIL ON DRUG EDUCATION - [illegible]

FREE CATALOGUES - [illegible]

ADOLESCENT DRUG & ALCOHOL ABUSE - [illegible]

COMMUNITY SERVICES

AL-ANON & ALA-TEEN - 241-2011 (VA) 882-1334 (MD/DC) - Free self-help groups for the parents, spouses, children, and siblings of alcohol abusers who may also be drug abusers.

ALCOHOLICS ANONYMOUS - 241-8195 (VA) 966-9115 (MD/DC) - Free self-help groups for alcohol abusers who may also be drug abusers. Young peoples groups meet every night.

ALCOHOL REHABILITATION, INC. (ARI) - 841-0660 (Arlington) - Private, non-profit, residential treatment facility for chemical dependency for adults. Ninety day program.

ALEXANDRIA DIVISION OF SUBSTANCE ABUSE SERVICES - 750-5704

ARLINGTON COUNTY ALCOHOL AND DRUG PROGRAM - 578-0884

ARLINGTON HOSPITAL ALCOHOLISM UNIT - 558-6536 - 28 day inpatient, alcoholism program for adolescents and adults. Includes assessment, use of AA principals, 4 nights a week family program, and 15 weeks aftercare.

DISTRICT OF COLUMBIA SUBSTANCE ABUSE ADMIN. - 727-0443

FAIRFAX COUNTY-FALLS CHURCH COMMUNITY SERVICES BOARD - [illegible] County [illegible] vice is [illegible] many [illegible]

FACTS - [illegible] 352-0691, [illegible] for family [illegible]

Crossroads - [illegible] idential [illegible]

FAMILIES ANONYMOUS - [illegible] 460-5839 [illegible] parents of [illegible]

MONTGOMERY COUNTY HEALTH DEPT. DRUG COUNSELING PROGRAM - [illegible]

NARCOTICS ANONYMOUS - [illegible] self-help group [illegible]

PRINCE GEORGE'S COUNTY HEALTH DEPT. DIRECTORATE OF ADDICTIONS - [illegible]

RAP, INC. - [illegible] term, residential [illegible]

SALVATION ARMY - [illegible] residential [illegible] program. Includes AA meetings several times a week. Clients work 40 hrs. per week at the Salvation Army building.

[illegible]

STEP ONE SERVICES - [illegible]

STRAIGHT, INC. - [illegible]

TOUGHLOVE - [illegible]

PANDAA MEMBERSHIP FORM

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Parents Association to Neutralize Drug and Alcohol Abuse, Inc. (PANDAA)
Patricia R. Smith, Chairman COURTWATCH Committee
Box 314, Annandale, Va. 22003   Ph. - (703) 978-6022
December 28, 1984

FOR IMMEDIATE RELEASE

PANDAA COURTWATCH REPORT

1 JUNE 1984 - 30 SEPTEMBER 1984, FAIRFAX COUNTY CIRCUIT COURT

Offense	Virginia Code Mandates Prison Sentence	Average Time to be served 6 mos ended May 31, 1984	Average Time to be served 4 mos ended Sept 30, 1984	Increase/ <Decrease> in Sentence
Sale of				
Cocaine	5 to 40 yrs.	20 months	**20 days**	<19 mo 10 days>
PCP	5 to 40 yrs.	22 months	26 mo	+ 4 months
Marijuana	1 to 10 yrs.	13 months	2 mo 9 days	<10 mo 21 days>
Possession of				
Cocaine	1 to 10 yrs. or up to 1yr cty jail	20 months	**22 days**	<19 mo 8 days>
PCP	1 to 10 yrs.	10 months	8 mo 12 days	< 1 mo 18 days>
Marijuana	1 to 3 yrs.	48 months	4 mo 10 days	<43 mo 20 days>

The PANDAA COURTWATCH Committee observes the sentencing of drug related cases in Fairfax County Circuit Court and collects data on the disposition of the cases and type and length of sentence imposed. These data are compiled regularly and are compared to the prior period. The table, above, compares the 4 month period ending September 30, 1984 (88 cases representing 72 defendants) with the prior 6 month period ending on May 31, 1984 (130 cases representing 103 defendants). The table lists the average prison time remaining in the sentence after suspended time was deducted. Sentences in individual cases vary widely from the calculated average. In general, the majority of cases receive very little prison time and only a few cases receive significant prison time. We have not deducted the time off allowed by the law for good behavior (10 days off for 20 days of good behavior) or for reacculteration (6 months).

Three observations may be drawn from the table, above, as follows:

1. The average prison time imposed dropped significantly in the most recent period as compared to the previous period.
2. The average sentence for **sale** of cocaine and marijuana continues to be less than the sentences for possession.

3. Sentences for cocaine sale or possession are very light, in fact they are considerably lighter than for marijuana.

The above figures indicate Fairfax County judges have some appreciation of the seriousness of distribution of PCP. Are they, however, disregarding the hazards incurred by cocaine availability to the people of Fairfax County? This county is in the midst of a cocaine epidemic and the general populace is deeply concerned with the availability and devastating effects of this drug on our youth. PANDAA deplores the lack of enlightenment on the part of the Circuit Court judges as to their responsibility in combating this epidemic.

Are our judges inviting cocaine distribution into this county when they should be clearly indicating the contrary?

Is distribution of cocaine and marijuana a less serious crime than possession of these drugs?

PANDAA challenges the courts to address these questions and respond to the public via their court room decisions.

In the past PANDAA has called attention to the number of aliens being convicted of drug crimes. Such convictions constitute a violation of their citizenship privileges. As a result of our concerns and inquiries the Fairfax County Adult Detention Center has reprogramed their computers to require "place of birth" information for all persons entering the facility, with a subsequent informing of the Imigration and Naturalization Service (INS) where indicated. As aliens are convicted of a crime the INS is again informed. Follow-up is continued until the INS has finalized their responsibilities in such cases. PANDAA applauds the Sheriff's Department for their professionalism and dispatch in rectifying this situation.

During 1983 there were 833 adult drug arrests in Fairfax County. A total of 492 cases resulted in convictions or not guilty verdicts. What happened to the 341 other cases? This equates to 41% of all drug arrests being dismissed or not prosecuted. Does this mean that almost half of all drug arrests are in vane?

PANDAA COURTWATCH STATISTICS

1 JUNE 1984 - 30 SEPTEMBER 1984, FAIRFAX COUNTY CIRCUIT COURT

JUDGES							48.6%	22.2%	29.2% DEFENDANTS			CASES				
	Cases moni-tored	18 mo ended 5/30/84 % of time served	18 mo ended 5/30/84 % of time suspended	Cases moni-tored	4 mo ended 9/30/84 % of time served	4 mo ended 9/30/84 % of time suspended	No. of	ordered to jail	probation only, no jail	all jail time sus-pended	assigned probation	evalua./ treatment ordered	fines imposed	fines sus-pended	commu-nity service	average time served	CDIP[a]
F. Bruce Bach	38	30.0%	70.0%	9	61.8%	38.2%	7	5	2	0	3	2				24 mo,23 d	
J. Howe Brown, Jr.	28	24.2	75.8	10	19.5	80.5	9	4	1	4	7	3	$2,500	$1,000		18 mo, 1 d	1
Johanna Fitzpatrick	26	34.0	66.0	10	29.7	70.3	7	5	0	2	6	0	8,000	7,500	106 hr	14 mo, 8 d	
Lewis H. Griffith	51	54.0	46.0	6	1.3	98.7	6	2	2	2	5	0	225	-0-		12 d	
Quinlan H. Hancock	46	22.1	77.9	1	-0-	100.0	1	0	0	1	1	0				-0-	1
Richard J. Jamborsky	26	40.0	60.0	6	48.6	51.4	6	5	1	0	0	1	1,600	-0-	306 hr	20 mo,11 d	
Bernard F. Jennings	28	29.3	70.7	9	11.3	88.7	7	2	0	5	0	2	125	-0-		5 mo,13 d	
Barbara M. Keenan	21	20.0	80.0	14	8.0	92.0	9	6	1	2	8	3				8 mo,14 d	5
Thomas J. Middleton	8	18.5	81.5	0	-0-	-0-	0	0	0	0	0	0					
William G. Plummer	32	19.8	80.2	11	37.7	62.3	9	6	3	0	7	2	2,000	-0-		12 mo,18 d	
Jack B. Stevens	6	17.4	82.6	12	-0-	100.0	11	0	6	5	6	3				-0-	
	310			88			72	35	16[b]	21	43	16	$14,450	$8,500	480 hr	10 mo, 5 d	7[c]

a. Assigned to CDIP - This is a special program in which the prison sentence is suspended. The defendant is placed on probation, and a diversion plan is negotiated which may include financial restitution, community service, drug rehabilitation, urine screening, job counseling, etc.

b. All of these defendants were released under the provisions of Va. Code 18.2-251 wherein, if the defendant has no further dealings with the courts during a designated period of time, the charges will be dismissed and no felony conviction will exist.

c. These seven (7) cases involved four (4) defendants.

CASES CLASSIFIED BY DRUG, DISTRIBUTION (SALE) OR POSSESSION CHARGES, AND JAIL TIME TO BE SERVED BY YEAR/MONTH

JUDGES	COCAINE				PCP				MARIJUANA				LSD				HEROIN				OTHER			
	Sale	yr/mo	Poss	yr/mo	Sale	yr/mo	Poss	yr/mo	Sale	yr/mo	Poss	yr/mo	Sale	yr/mo	Poss	yr/mo	Sale	yr/mo	Poss	yr/mo	Sale	yr/mo	Poss	yr/mo
F. Bruce Bach	1	/03	-	-	2	3/00	-	-	-	-	-	-	3	15/00	-	-	-	-	-	-	2	/04	1	-0-
J. Howe Brown, Jr.	-	-	3	-0-	2	7/00	-	-	-	-	-	-	-	-	1	-0-	-	-	-	-	2	/10ds	1	/06
Johanna Fitzpatrick	1	/04	-	-	1	5/00	-	-	4	/04	-	-	-	-	-	-	-	-	-	-	3	5/10ds	-	-
Lewis H. Griffith	-	-	1	-0-	1	-0-	1	-0-	-	-	1	/02	-	-	-	-	-	-	1	-0-	-	-	-	-
Quinlan J. Hancock	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-0-	-	-
Richard J. Jamborsky	1	/02	-	-	3	7/00	2	3/00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bernard F. Jennings	2	/01	-	-	1	2/00	-	-	-	-	4	2/00	-	-	-	-	-	-	-	-	2	-0-	-	-
Barbara M. Keenan	4	-0-	3	/08	-	-	1	-0-	2	1/00	-	-	-	-	-	-	-	-	1	5/00	2	2/08	-	-
William G. Plummer	-	-	2	-0-	3	4/00	1	/06	-	-	1	-0-	-	-	-	-	-	-	1	2/00	3	5/00	-	-
Jack B. Stevens	6	-0-	2	-0-	-	-	-	-	1	-0-	-	-	-	-	-	-	-	-	2	-0-	-	-	-	-
TOTALS	15	/10	11	/08	13	28/00	5	3/06	7	1/04	6	2/02	3	15/00	1	-0-	-	-	5	7/00	15	12/10	2	/06
Average Jail Time/Case	20 days		22 days		28 mos		8 mo 12 ds		2 mo 9 ds		4 mo 10 ds		5 yrs		-0-		-	-	23 mo 12 ds		10 mo 8 ds		3 mo	

	SALE %	POSS %	Revocation of previously suspended time	Found not guilty
Total Cases	53 60.2%	30 34.1%	4 4.5%	1 1.1%
Total Jail Time	N/A	N/A	4 yr, 2 mo	
Average Jail Time	1 yr 8 days	7 mo 24 days	1 yr, 15 ds	

Mr. **Fauntroy**. How well known is the sentencing disparity in the drug community? That is, how does that knowledge on the part of those engaged in drug trafficking affect the action within each of these jurisdictions?

Lieutenant **Irwin**. One of the things that we have noticed on the street is that distribution of heroin, for instance, is a felony in the District of Columbia. Most street distributors of heroin receive what is called the 10 pack. They will sell 10 of them and receive money from each of the quarters they sell, and then will hold an additional quarter for themselves. Street distributors in the District of Columbia know that the D.C. Superior Court, for instance, will not paper less than 10 quarters of heroin as possession with intent to distribute. In other words, they are only papered as a misdemeanor. So street dealers in the District of Columbia never carry more than nine quarters of heroin, even though they have it available and accessible to them.

There is also mandatory sentencing for those who distribute heroin in the District of Columbia. For first-time offenders there's a provision to duck those mandatory sentencing provisions by simply saying you are an addict and you receive mandatory treatment. Addicts on the street know this, and they use it to get out, and it weakens the entire law enforcement process.

Mr. **Fauntroy**. Gentlemen, we can't thank you enough for bringing to the attention of the committee your hands-on experience in meeting the drug epidemic on the streets and in some instances in the homes and in the establishments of the city, and the region. We thank you so very much for your testimony.

Lieutenant **Irwin**. Thank you, sir.

Chief **Lindsay**. Thank you.

[Additional correspondence on the questions raised by Lieutenant Irwin concerning papering down to a misdemeanor a felony arrest may be found on page 281 of the appendix.]

Mr. **Fauntroy**. We now move to testimony from the U.S. attorney for the District of Columbia, Hon. Joseph E. diGenova. Mr. diGenova will be joined by a Federal panel of special agents in charge of field offices, including Mr. Carl Jackson from the Drug Enforcement Administration, Mr. Norman Zigrossi of the Federal Bureau of Investigation, and Mr. Sidney Reyes, who is District Director for the U.S. Customs Service, part of the Department of Treasury.

Thank you so much, gentlemen. Mr. diGenova, it is a real pleasure to have you before the subcommittee again and we look forward with great anticipation of your testimony.

STATEMENT OF JOSEPH E. diGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA, ACCOMPANIED BY NORMAN ZIGROSSI, SPECIAL AGENT IN CHARGE OF THE WASHINGTON FIELD OFFICE, FEDERAL BUREAU OF INVESTIGATION; CARL JACKSON, SPECIAL AGENT IN CHARGE OF THE WASHINGTON FIELD DIVISION, DRUG ENFORCEMENT ADMINISTRATION, AND SIDNEY REYES, DISTRICT DIRECTOR, DULLES INTERNATIONAL AIRPORT, U.S. CUSTOMS SERVICE

Mr. diGenova. Thank you, Mr. Chairman. Good morning, and good morning to the other members of the committee.

I appreciate this opportunity to be here today to discuss with you and the other members of the committee one of the most compelling priorities facing America today.

That priority I speak of is, of course, the war against the distribution and the use of illicit drugs. The use of illegal drugs in the United States, as this committee is well aware, has spread at an unprecedented rate and has reached into every segment of our society, and I underscore every segment of our society.

Narcotic sales in the United States have skyrocketed at a rate of about $10 billion annually since 1978, grossing for traffickers and profiteers somewhere between $70 and $90 billion last year alone.

This upsurge brought the number of U.S. heroin addicts to more than 500,000; for the first time since 1973, an increase in overdose deaths by 93 percent from 1979 through 1983.

In the District of Columbia, from January 1984 to December 1984, as Chief Turner has indicated, the medical examiner's office reported a total of 140 heroin-related overdose deaths. Already this year, that number is now at 42.

This terrible cancer threatens our national character and challenges our moral fiber, and it must be eradicated.

Of course, the long-term goal of this administration is to make our society drug-free. And the first step in the achievement of this goal is to educate—educate our citizens as to the enormous cost that illicit drugs use is inflicting upon our society, both in terms of real monetary losses and human costs.

To do this we must change the attitudes of our citizens who experiment with and use illegal or controlled substances. This effort involves a multitude of agencies and individuals working to develop a national awareness concerning the effects of illicit drugs.

Over the past 4 years, the Reagan administration has launched direct assaults on two distinct but equally vital fronts in the Nation's war on drugs, the supply-side and the demand-side.

While we as a nation must, and we in the Reagan administration will, continue to devote additional money and manpower to this war effort in order to eradicate sources of supply and to interdict shipments of illegal drugs before they enter this country, we must also prosecute those who create the demand for the illicit drugs.

As Attorney General Meese said recently, even the occasional or "recreational"—and I use that word in quotes—drug users buying pleasure for themselves are supporting those who deal in terror, torture, and death.

Perhaps Enrique Camerana Salazar would be alive today if there were not a market in this country for the poison that is slowly destroying so many of our citizens, and particularly young people.

Let me echo the Attorney General's sentiments by repeating what I have been saying for 3 years: Drug users, whether occasional or regular, are stockholders in organized crime.

As Charles Blau, Deputy Associate Attorney General in charge of our Organized Crime Drug Task Force, has said recently, and I quote: "A person who utilizes an illegal controlled substance is as much a part of the conspiracy chain as a person who distributes it." It takes customers to make enterprises flourish and profit.

The problem is severe. But let me give equal emphasis to my feelings of hope that, in stark contradiction to the prior administration's woeful record of neglect in the area of drug law enforcement, this administration has put in place the necessary enforcement resources and coherent strategies essential to win this battle.

In only 4 years, this administration has transformed the face of Federal drug law enforcement. The transformation has come through a combination of new personnel, new funding, new energy, new commitment, and a new conviction that the drug epidemic can be halted.

Within a period of a few months, then Attorney General William French Smith and the President announced a series of major initiatives. The full resources of the Federal Bureau of Investigation, for the first time in its long history, were placed fully into the fight against drugs. And I would note parenthetically that we have reaped great benefits, everyone in law enforcement, including the State and local individuals, some of whom were represented before this committee today, from that involvement of the FBI with its vast resources, its vast analytical capabilities, and its vast intelligence network.

The DEA has been reorganized and revitalized with new leadership and now is part of the FBI.

The Attorney General also decided that the Federal Government must cooperate more closely with State and local governments in the fight against crime, and provide more assistance.

To implement this priority, he directed that Law Enforcement Coordinating Committees be formed in every Federal judicial district, a network covering the entire Nation. The committees develop plans to focus all available Federal resources on the worst local crimes, and then work closely with State and local police and prosecutors to combat those crimes.

In October 1982, the President announced the plans to create the Organized Crime Drug Enforcement Task Force Program. The task force program now covers the Nation. The goal is nothing less than the destruction of the major drug trafficking rings that have plagued the country for so long.

Those 13 task forces are a unique effort in Federal law enforcement. They are made up of agencies throughout the Government. For instance, from the Justice Department we have the U.S. attorneys, the FBI, DEA, the Marshals Service. From Treasury we have the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service. And from the Department of Transportation we have the Coast Guard.

In addition, under a far-reaching initiative of the Reagan administration, the Department of Defense now is giving valuable assistance to civilian enforcement agencies in a fight against drugs, as a result of amendments to the Posse Comitatus Act, which was enacted by Congress. That effort includes intelligence information and prompt information on sightings by military vessels and aircraft of suspected drug traffickers heading for the United States by sea or air.

President Reagan in 1983 began a program to supplement the task forces. It is called the National Narcotics Border Interdiction System, and it is designed to intercept drugs along the entire border area of the country.

The system was modeled in part on the south Florida task force—no doubt very familiar to the members of this committee—a very successful effort created by the President to combat the heavy flow of drugs which was unique to south Florida at that time in this effort.

As of December of 1984, the 13 task forces had initiated 804 cases resulting in 953 indictments initiating criminal charges against 3,468 individuals. One thousand four hundred eight individuals have already been convicted and sentenced, and fines, seizures, and forfeitures have exeeded $219 million.

In the District of Columbia, the U.S. attorney's office, more particularly, has moved aggressively in both the Superior Court for the District of Columbia and in the U.S. district court to meet the challenge of dismantling and destroying those criminal organizations, their financiers and suppliers who prey upon our society through their importation, manufacture, and distribution of illicit drugs.

How is the U.S. attorney's office responding to the drug problem in the Washington metropolitan area?

First, we have developed a multifaceted approach which combines an aggressive use of the Organized Crime Drug Enforcement Task Forces, the utilization of new investigative techniques, and increased coordination and consultation among local and Federal law enforcement agencies. And it is abundantly clear that the U.S. attorney's office is only one part of the major Federal effort. Without the DEA, the FBI, Chief Turner's fantastic group at the Metropolitan Police Department, cooperation from all of the other Federal agencies and the local communities in the surrounding area, we could not end up in court as many times as we do now, particularly in major cases, without that cooperation.

Before I outline what this office is doing, I would like to spend a few minutes, however, describing the criminal statutes we rely on. But rather than do that at this time, I would like to save the committee's time and provide more time for questions by actually just submitting that part of my testimony for the record, with the permission of the chairman.

Mr. FAUNTROY. Without objection, the entire testimony will be included in the record and you may proceed in whatever manner you choose.

Mr. DIGENOVA. I would like to add at this time, Mr. Chairman, also that, obviously, for those of us in Federal law enforcement, it was indeed a welcome day when Congress passed the Comprehensive Crime Control Act of 1984, which contained amendments to the Uniform Control Substances Act which created new 20-year felonies which we are now utilizing in U.S. district courts. Indeed, we just had a case involving the importation of $22 million worth of heroin, which was interdicted in late March, coming into this country from Pakistan, which involves as of this moment, the utilization of the new attempt statute which provides a 20-year felony, which did not exist until the passage of that statute and, indeed, provides for a 40-year sentence if an individual has a prior conviction anywhere in the United States for a related narcotics offense.

The increased use, Mr. Chairman, of RICO, the Racketeering Influenced and Corrupt Organization Act, and the kingpin statute, the CCE, continuing criminal enterprise statute, which have been clarified and strengthened, both of which have been clarified and strengthened by the Comprehensive Crime Control Act, are truly providing us with unique and new tools to use in this battle.

Now, the fact is, though, that the problem has become very severe. In 1979, just to paint for the committee the seriousness of this problem, the Metropolitan Police Department referred to our office 19,339 adult arrests. That doesn't include juvenile cases, and that doesn't include cases coming into U.S. district court—that's just in superior court. Felony drug arrests accounted for 4 percent of those arrests, or 310 cases.

In 1984, in stark contrast, the police department referred 24,861 cases to our office. You may notice, that's a 22-percent increase in arrests at a time when the crime rate is going down. You may wonder how that happens. The answer is drug arrests are not reflected in crime statistics because there is allegedly no victim. As a result, crime reporting statistics are completely off the mark in reflecting crime trends.

In 1979, drug arrests for both felony and misdemeanor offenses accounted for 20 percent of all arrests and referrals.

In 1984, the felony drug arrests had risen from 4 percent in 1979, to 31 percent of all the felony cases referred to our office. And the percentages continue to skyrocket.

In the area of felony indictments in 1979, we returned 216 felony drug indictments in superior court. That was 7 percent of all the indictments returned.

In 1984, we returned 1985, felony drug indictments. These felony drug indictments accounted for 45 percent of all of the felonies returned by superior court grand juries. That is a staggering increase in cases.

What that indicates, obviously, is that the police department, FBI, DEA, are doing a superb job in identifying and arresting and responding to the demands of the people that deal aggressively with drug traffickers. We have likewise responded by developing new guidelines for prosecution which make it easier to prosecute for felonies which has not been the case in the past.

In addition, we have expanded the use of grand juries. We have added an additional grand jury with the permission of the chief judge—and, indeed, that grand jury will go into effect shortly. And we have done everything conceivable in the use of pretrial detention statute which existed in the District of Columbia for 10 years prior to Congress enacted of it for Federal courts this last October, and we are using it more frequently in the case of drug traffickers who have engaged in an established pattern of criminal conduct which is required under the law in order to use it, although it is not required under the Federal law.

We have worked with the District of Columbia City Council to increase the penalties for PCP, and have had that in our request change from a 5-year felony to a 15-year felony for the first time.

In every ward in this city, Mr. Chairman, I don't have to tell you, that citizens are making an effort to reclaim their neighborhoods, and are seeking the assistance of everyone in law enforcement, whether Federal or local, to assist them in doing that.

The actions of our citizens in protesting the loss of their communities to drug peddlers demonstrates why in the words of our Attorney General, there can be no neutrals in this country's war on drugs. We must all work together to stem the ever-increasing stream of dangerous drugs into the Washington area.

And while our prosecutive efforts have begun to make a difference in superior court, we still have serious problems. Heroin remains plentiful throughout the Washington metropolitan area. It is readily available at street level and purities from 6 to 6.5 percent, which is a very, very high increase in terms of the percentage of purity it used to be. Prices are averaging 100 grams, $800 to $2,000 per ounce, and $5,000 to $15,000 per ounce.

Most street level sellers in Washington deal in quarter gram packages which currently retail for $30. While the distribution of heroin in the District of Columbia is controlled by local criminal organizations, these local groups continue to obtain their heroin from trafficking groups and organized crime figures in the New York area.

There is also an alarming increase in heroin arriving in the United States from Nigeria. This heroin arrives in the United States in very high purities, from 75 to 85 percent purity coming into the country. Local addicts who purchase such batches of heroin in many cases will not be able to tolerate these purities—that's self-evident from the overdose statistics—and may become prime candidates for overdose. Even with cutting, I might add, the purities are substantially higher than addicts or recreational users have ever been used to in the Washington metropolitan area.

Like heroin, cocaine is plentiful in the Washington metropolitan area. Local cocaine distributors travel to southern Florida and South America to purchase multikilo quantities of cocaine. Prices range from $1,800 to $2,800 per ounce and $35,000 to $65,000 per kilogram.

PCP, as Chief Turner indicated, is extremely dangerous—continues to be the drug of preference among many young people in our city, and remains tremendously available. Prices for PCP average $15 to $20 per gram, and $200 to $300 per ounce, with a tremendous profit margin, which is one of the reasons people get drawn into the business.

Marijuana remains heavily available in the jurisdiction, as was indicated earlier.

Now, while the availability of these drugs for street level purchase provides a stark reminder of the serious problem we face, I am heartened by the fact that our organized crime drug enforcement task force operations in our office and in the eastern district of Virginia, and in Baltimore—the center for these operations is in Baltimore, by the way, under U.S. attorney, Fred Motts—are beginning to seriously weaken, and we hope soon destroyed, many of the drug trafficking organizations that prey on our citizens.

Now, an important factor in the successes achieved thus far in the drug enforcement area have been the unprecedented cooperation among law enforcement agencies at all levels of government. We are committed toward a common goal and toward the utilization of the talents, tools, and resources of multiple and diverse agencies to successfully immobilize high-level drug trafficking organizations.

The implementation of the task force has sparked an investigative-prosecutorial marriage marked with significant success.

Now, Washington, DC, is in the Mid-Atlantic organized crime task force. The program overall, and this region specifically, has achieved tremendous strides in dismantling some operations. We are pursuing drug importation and distribution crimes as well as those violations relating to the financial aspects of drug trafficking.

In addition to the task force, there are numerous interagency mechanisms in place which were alluded to earlier by the earlier witnesses. And, of course, one of the largest is the DEA, Metropolitan Police Department task force, which Chief Turner spoke of. And I will not go into that in any great detail except to say that it is obvious that when you have two fine organizations like DEA and their SAC, Carl Jackson, and Chief Turner working together on a problem, there are bound to be good results. And there have been tremendous results in the arrest and conviction and incarceration rate that demonstrates that they are doing their job. They are doing the best job that I can conceive of any law enforcement officials doing. And we are very proud in the department to be working with people like Carl Jackson, Chief Turner, and Norm Zigrossi and the FBI, and the other SAC's from all the other agencies.

Now, there is a Nigerian task force which has been established, to deal specifically with the problem I alluded to earlier, involving the importation of substantial, large, highly pure quantities of heroin from Nigeria, which come through Pakistan. That task force is working exceedingly well. In February of 1985, that task force brought the culmination of substantial and long investigation that involved the arrest and ultimate conviction of two Nigerian nationals, the seizure of 5 pounds of high quality heroin worth in excess of $5 million.

Now, another task force unit alluded to by the chief was their PCP task force which has individuals from DEA, MPD, Fairfax, Arlington, Loudoun, Prince William, the Virginia State Police, the Maryland State Police, and the U.S. Park Police.

These unified efforts obviously are having a significant effect on the arrest and conviction rates in these areas as well.

The DEA agents and the task force officers, by the way, with their Federal authority, have halted the clandestine laboratory operations of many of the major producers of PCP in the area. And as you heard earlier, the problem right now is not locally produced PCP, it's PCP coming into the city from southern California—and you were told about the one arrest we had involving $2.5 million worth of liquid PCP taken off a Amtrak passenger at Union Station here in the District.

Through their innovative and dedicated investigative efforts, they have been responsible for sending many of the Nation's foremost suppliers of PCP to lengthy prison terms. And I would allude specifically to the George Gates conviction which occurred in this district in U.S. district court—Mr. Gates was sentenced to 30 years in prison, which is a substantial prison term, as well as 12 years to run consecutively on another charge to it.

There is a third task force which is working which involves DEA, MPD, and the Federal Aviation Administration, and the Arlington Police Department in what is called a mass transportation detail which handles investigative responses to the U.S. Customs Service seizures and arrests at Dulles International Airport. It has achieved marked successes comparable to those of other task forces throughout the country.

Now, the best recent example of the cooperation which I have been indicating exhibited in a major drug case is in the prosecution of the Colombian drug racketeering case which recently concluded in district court, one-third of which the third prime of it is still in progress today in front of Thomas Hogan.

But in the cases which have been concluded, I can tell this committee properly this, our task force consisted of two assistant U.S. attorneys working almost full time on that case, one full-time DEA agent, two full-time FBI agents, one full-time Customs agent, and one full-time IRS agent. In addition, whenever there was a need for increased manpower for short periods of time, we were able to get an infusion of agents on a moment's notice—and I underscore a moment's notice. That is the degree to which the cooperation now exists between Federal and local authorities in this area.

For example, in attempting to finish up the tax part of that investigation, 9 or 10 IRS agents were assigned to the case full time for several weeks in order to prepare it for indictment and prosecution.

That investigation resulted in the indictment of 15 people, 7 of whom pled guilty to multiple felonies, another 5 defendants went to trial and were found guilty of multiple counts of conspiracy and drug distribution. One RICO case is currently pending against the two defendants. It's now in trial in fact right now, and is expected to last through the month of April.

That investigation has also led to forfeitures and seizures in excess of several millions of dollars of assets related to the drug organization. Using the RICO statute, the Organized Crime Task Force members cooperated with law enforcement authorities in eight other Federal judicial districts, resulting in investigations and prosecutions of other drug defendants and organizations.

Moreover, as a direct result of the cooperative nature of the investigations conducted by the five different agencies, another indictment was returned in Texas, in which six individuals were indicted for drug distribution, conspiracy to distribute drugs, and for tax evasion. One of our Organized Crime Task Force attorneys is handling the prosecution in Texas. He was sworn in as as special assistant U.S. attorney there to handle all phases of that case.

Of those six defendants in Texas, two have pled guilty to tax offenses through either conspiracy *to distribute or* to the distribution of drugs. The four remaining defendants are awaiting trial which will begin in May of this year.

Now, our ability to disrupt such international trafficking operations has been greatly aided by the administration's successful 1982 negotiation of a bilateral with the Government of Colombia for the extradition of accused narcotics traffickers.

Preliminary estimates are that approximately 74 to 90 metric tons of cocaine were exported to the United States in 1984. Approximately 75 percent of this supply originated in Colombia.

On March 6, 1985, our office obtained a first narcotics law enforcement conviction against a Colombian national, Marcos Cadavid, who was extradited pursuant to that new agreement. Cadavid was one of four Colombians extradited from his native country in January of 1985, to stand trial for narcotics offenses. His was the first case to come to trial in this country under that agreement.

A jury in a case tried before U.S. district judge, Thomas Hogan found Cadavid guilty as charged, of conspiracy to distribute cocaine. And on April 9, Judge Hogan sentenced Cadavid to the maximum term of imprisonment, 15 years, and imposed the maximum fine of $25,000.

As our task force operations continue to grow and develop, we will have further significant supply-side victories. We will, of course, take full advantage of the full range of prosecutive tools available to us. Certain organizational, investigative and prosecutorial techniques have emerged as particularly adaptable and effective in the high-profile, multiagency environment—wiretaps, authorized under title III, and the basis for authorization has—we are very grateful to Congress to say—been expanded under the Comprehensive Crime Control Act of 1984, to include new predicate offenses.

The 15-year-old kingpin statute, RICO, and the CCE statutes, have been before. For the first time in 10 years, they are being used increasingly by U.S. attorneys. When our increased use of these statutes is combined with the new investigative and prosecutive tools provided by Congress in the Crime Act of 1984, we believe we have the means necessary to continue the new national law enforcement effort against drugs.

Let me add in closing, that this national effort is not just one for law enforcement, however. Families, churches, schools, the business community, and all institutions in our society have an obligation to fulfill and a vital role to play in turning away people of all ages from drugs.

We, in law enforcement, can do our part, but we need help, and not just in the form of much needed additional professional resources, which we willingly and gladly ask for and accept, as Congress deems it appropriate to grant, but role models, in all walks of life, must stand up and be counted in this war in perhaps the greatest threat to our national character.

We welcome those role models and everyone else to this fight. For in the last analysis, we in the Nation's Capital, can gain little succor from the glib refrain that heroin does not grow here.

Our local effort in regard to both apprehension and education must parallel our national commitment to eradication, if we are to succeed in delivering our city and this region from the curse of drug abuse.

Mr. Chairman, I appreciate the opportunity to speak and I and the other Federal law enforcement officials here would be happy to answer questions from the chairman and the other members of the committee.

[The prepared statement of Mr. diGenova follows:]

Statement of Joseph E. diGenova, U.S. Attorney for the District of Columbia

I appreciate this opportunity to be here today to discuss with you one of the most compelling priorities facing the American people.

With me today are Norman Zigrossi, Special Agent in Charge of the Washington Field Office of the Federal Bureau of Investigation, and Carl Jackson, Special Agent in Charge of the Washington Field Division of the Drug Enforcement Administration.

The compelling priority I spoke of is the war against the distribution and use of illicit drugs. The use of illegal drugs in the United States has spread at an unprecedented rate and has reached into every segment of our society. Narcotic sales in the United States have skyrocketed at a rate of $10 billion annually since 1978, grossing $70–$90 billion for traffickers last year alone. This upsurge brought the number of U.S. heroin addicts to more than 500,000 for the first time since 1973 and increased overdose deaths by 93 percent from 1979 through 1983. In the District of Columbia, from January 1984 to December 1984, the Medical Examiner's Office reported a total of 140 heroin related overdoses. Already this year there have been 42 such overdoses. This terrible cancer threatens our national character and challenges our moral fiber and it must be eradicated.

Of course, the long term goal of this Administration is to make our society drug free. And the first step in the achievement of this goal is to educate our citizens as to the enormous costs that illicit drug use is inflicting upon our society—both in terms of real monetary losses (decreases in productivity, increased absenteeism from the work place, and escalating medical costs); and human costs (including destruction of the traditional family unit, unemployment, and an increase in suicide and overdose deaths). To this, we must change the attitudes of our citizens who experiment with and use illegal or controlled substances. This effort involves a multitude of agencies and individuals working to develop a national awareness concerning the effects of illicit drugs.

Over the past four years the Reagan Administration has launched direct assaults on two distinct but equally vital fronts in the nation's war on drugs, the "supply-side" and the "demand-side." While we as a nation must, and we in the Reagan Administration will, continue to devote additional money and manpower to this war effort in order to eradicate sources of supply and to interdict shipments of illegal drugs before they enter the country, we must also prosecute those who create the demand for the illicit drugs. As Attorney General Edwin Meese III recently remarked, even the occasional or "recreational" drug users buying pleasure for themselves are supporting those who are dealing in terror, torture and death. Perhaps Enrique Camerana would be alive today if there were not a market in the United States for the poison that is slowly destroying so many of our citizens. Let me echo the Attorney General's sentiments by repeating what I have been saying for three years: Drug users, whether occasional or regular, are stockholders in organized crime. As Charles Blau, Deputy Associate Attorney General in charge of our Drug Task Forces, has said: "A person who utilizes an illegal controlled substance is as much a part of the conspiracy chain as a person who distributes it." It takes customers to make enterprises flourish and profit.

The problem is severe. But let me give equal emphasis to my feelings of hope that, in stark contradistinction to the prior Administration's woeful record of neglect in the area of drug law enforcement, this Administration has put in place the necessary enforcement resources and coherent strategies essential to win this battle.

In only four years, the Reagan Administration has transformed the face of Federal drug law enforcement. The transformation has come through a combination of new personnel, new funding, new energy, new commitment, and a new conviction that the drug epidemic can be halted.

Within a period of a few months, then Attorney General William French Smith and the President announced a series of major initiatives. The full resources of the Federal Bureau of Investigation, for the first time in its long history, were placed fully into the fight against drugs.

The DEA was reorganized and revitalized with new leadership and now reports to the FBI.

The Attorney General also decided that the Federal government must cooperate more closely with state and local governments in the fight against crime, and provide more assistance.

To implement this priority, he directed that Law Enforcement Coordinating Committees be formed in every Federal judicial district, a network covering the entire nation. The committees develop plans to focus all available Federal resources on the worst local crimes, and then work closely with state and local police and prosecutors to combat those crimes.

In October 1982, the President announced the plans to create the Organized Crime Drug Enforcement Task Force Program. The Task Force Program now covers the nation. The goal is nothing less than the destruction of the major drug trafficking rings that have plagued the country for so long.

The 13 Task Forces are a unique effort in Federal law enforcement. They are made up of agencies throughout the government. For instance, from the Justice Department we have the United States Attorneys, F.B.I., D.E.A., and the Marshals Service. From Treasury we have the United States Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service. From the Department of Transportation we have the Coast Guard.

In addition, under a far-reaching initiative of the Reagan Administration, the Department of Defense now is giving valuable assistance to civilian enforcement agencies in a fight against drugs. It includes intelligence information and prompt information on sightings by military vessels and aircraft of suspected drug traffickers heading for the U.S. by sea or air.

President Reagan in 1983 began a program to supplement the Task Forces. It is called the National Narcotics Border Interdiction System—and is designed to intercept drugs along the entire border area of the country.

The system was modeled in part on the South Florida Task Force, a very successful effort created by the President to combat the heavy flow of drugs into South Florida.

As of December 1984, the thirteen Task Forces had initiated 804 cases resulting in 953 indictments initiating criminal charges against 3,468 individuals: 1,408 individuals have already been convicted and sentenced, and fines, seizures and forfeitures have exceed $219 million.

In the District of Columbia, the United States Attorney's Office has moved aggressively in both the Superior Court of the District of Columbia and in the United States District Court to meet the challenge of dismantling and destroying those criminal organizations, their financiers and suppliers who prey upon our society through their importation, manufacture, and distribution of illicit drugs. How is the United States Attorney's Office responding to the drug problem in the Washington Metropolitan Area? First, we have developed a multi-faceted approach which combines an aggressive use of the Organized Crime Drug Enforcement Task Forces, the utilization of new investigative techniques, and increased coordination and consultation among local and federal law enforcement agencies.[1] Before I outline what this office is doing, I'd like to spend a few minutes describing the criminal statutes we rely upon to prosecute drug traffickers in Superior Court and in the United States District Court and then I will share with you some very distressing statistics which dramatically highlight the magnitude of the drug problem we must face together as a community.

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[1] Our efforts to deal with drug traffickers in the D.C. area have been enhanced through the efforts of the D.C. Law Enforcement Coordinating Committee (LECC). The LECC is composed of the operational heads of each law enforcement agency in the city, and functions as a means to increase cooperation and coordination among its members. Topics of interest concerning drug trafficking have been addressed in detail by members of the LECC's Drug Trafficking Subcommittee, and the dialogue fostered by the Subcommittee has resulted in expanded and improved joint operational activities. Further, to better address the area-wide drug problem, the Subcommittee's activities have been combined with those of the Drug Trafficking Subcommittee of the LECC for the Northern District of Virginia. The full LECC also discusses problems relating to drug trafficking on a regular basis, and relevant intelligence is shared among agencies.

ENFORCEMENT MECHANISMS

In the Superior Court of the District of Columbia, defendants who manufacture, distribute or dispense narcotics, or possess narcotics with intent to distribute them are prosecuted under 33 D.C. Code, Section 541(a)(1) or b(1). The Mandatory Sentence Initiative of 1981 amended the provisions of the Uniform Controlled Substances Act (UCSA) to require the imposition of mandatory minimum sentences for particular violations of the Uniform Controlled Substances Act. With limited exceptions, mandatory sentences are required for trafficking offenses of all controlled substances. The length of the mandated sentences is determined by the Schedule classification of the controlled substance, whether it is a narcotic, and with respect to Schedule IV or V drugs, the quantity of the substance involved in the offense as reflected by its value.

In the United States District Court, drug traffickers are prosecuted under 21 U.S. Code, Section 841(a)(1)(2). The Comprehensive Crime Control Act of 1984 made significant drug penalty amendments under 21 U.S. Code, Section 841. These amendments: (1) raise the maximum term of imprisonment and fines for Controlled Substance Act offenses involving Schedule I or II controlled substances, (2) raise the fines for offenses involving all other drugs and make the double-penalty provision for recidivists applicable after the establishment of prior state, federal or foreign convictions; (3) similarly amend the parallel provisions of the smuggling laws to reflect the increased penalties; (4) provide a new offense of cultivating controlled substances on federal land; and (5) add a new offense of violating drug laws in or near schools.

The Continuing Criminal Enterprise Statute (21 U.S. Code, Section 848) provides for the most rigorous sanctions of any Federal criminal statute directed at drug related activities. It carries a maximum penalty of life imprisonment and a minimum of 10 years—with no parole in either case—and fines up to $100,000. It also provides for forfeiture of all proceeds of the specified criminal activity, or of any assets purchased with such proceeds. In the 10-year period from 1970 to 1980, there were only 85 such indictments brought by the federal government. In the last year and a half under the Organized Crime Drug Enforcement Task Force, there were 211 defendants charged with the offense.

The Racketeer Influenced and Corrupt Organizations (RICO) Statute provides other strong sanctions that deal with criminal organizations and their pernicious infiltration of legitimate business. RICO penalties provide up to 20 years imprisonment, $25,000 in fines, and civil and criminal forfeitures. The forfeiture provisions of both RICO and CCE were clarified and strengthened by the Comprehensive Crime Control Act of 1984.

THE EXPLOSIVE GROWTH OF DRUG CASES

In 1979 the Metropolitan Police Department referred 19,339 arrest cases to the United States Attorney's Office for processing. Felony drug arrests accounted for just 4% of all felony arrests (310 cases). In 1984 the police department referred 24,861 cases to our office. Felony drug arrests accounted for 31% of that total (3,385 cases). In 1979 drug arrests for both felony and misdemeanor offenses comprised 20% of all arrest referrals. In 1984 that percentage had skyrocketed to 38% (9,454 cases). In 1979 the United States Attorney's Office returned 216 felony drug indictments in the Superior Court. Those 216 indictments constituted 7% of all indictments returned. In 1984 Superior Court grand juries returned 1,985 drug indictments. These felony drug indictments accounted for 45% of all felony indictments returned in the Superior Court. As these statistics make clear, the police department, responding to demands of the people to deal aggressively with drug traffickers, are arresting more and more people and charging them with felony drug offenses. The United States Attorney's Office has likewise responded to the challenge by developing new prosecution policies which treat all sales of illicit drugs, even single sales, as felonies.

Furthermore, to ensure that drug dealers and members of our community understand how crucial this war against drugs is, the U.S. Attorney's Office had devoted additional resources to the Superior Court Jury Section and has instituted new procedures to indict drug cases on the same day such cases are referred to us by the police. To demonstrate our determination to remove arrested drug traffickers from the community at the earliest practical point, we are utilizing the pretrial detention statute much more frequently to detain pretrial drug dealers who have engaged in an established pattern of criminal conduct.

On the local legislative front, we have worked with the District of Columbia City Council by proposing to increase the penalties for distribution of PCP. The Council, to its credit, responded by enacting this proposal into law. We have also worked with Senator Arlen Specter to gain additional prosecutive and judicial resources in Superior Court to handle the avalanche of new criminal cases, especially drug cases, that are being processed there. Twenty-one new federal prosecutors, seven new judges and six new commissioners have joined the battle.

Indeed, in every ward of this city, in southeast, in northeast, in northwest and in southwest, neighbors have banded together and marched to reclaim their communities from drug traffickers. These citizens, if they were witnesses before this Committee today, would provide the most eloquent testimony on how plentiful drugs are in our city and on how a steady supply of illicit drugs inevitably spawns drug addiction and other drug-related crime.

The actions of our citizens in protesting the loss of their communities to drug peddlers demonstrates why, in words of Attorney General Meese, there can be "no neutral's in this Country's war on drugs."

We must all work together to stem the ever increasing stream of dangerous drugs into the Washington area. While our prosecutive efforts have begun to make a difference in Superior Court, we still have serious problems.

Heroin remains plentiful throughout the Washington Metropolitan Area. It is readily available at the street level in purities from 6% to 6.5%. Prices average $100 per gram (6% to 6.5% purity); $800 to $2,000 per ounce (6.5%); and $5,000 to $15,000 per ounce (70% to 90%). Most street level sellers in Washington, D.C. deal in quarter gram packets which currently retail for $30. While the distribution of heroin in the District of Columbia is controlled by local criminal organizations, these local groups continue to obtain their heroin from trafficking groups and organized crime figures in the New York area.

There is also an alarming increase of heroin arriving into the United States from Nigeria. This heroin arrives in the United States in very high purities, from 75% to 85% pure. Local addicts who purchase such batches of heroin in many cases will not be able to tolerate these purities and may become prime candidates to overdose.

Like heroin, cocaine is plentiful in the Washington Metropolitan Area. Local cocaine distributors travel to Southern Florida and South America to purchase multi-kilo quantities of cocaine. Prices range from $1,800 to $2,000 per ounce (30% to 70% pure) and $35,000 to $65,000 per kilogram (60% to 90% pure).

PCP is an extremely dangerous drug and tragically it continues to be the drug of preference for many young people in our city. Because the drug has such bizarre mind-altering effects on its users, PCP abuse has played a significant role in some of the most senseless crimes prosecuted by our office. Prices for PCP average $15 to $50 per gram and $200 to $300 per ounce.

Marijuana remains easily available in the Washington Metropolitan Area. Prices in the Washington area range from $1.00 to $2.00 per cigarette, $35.00 to $120.00 per ounce, $120.00 to $500.00 per quarter pound and $250.00 to $800.00 per half pound, and $500.00 to $2,000.00 per pound.

While the availability of these drugs for street-level purchase provides a stark reminder of the serious problems we face, I am heartened by the fact that our Organized Crime Drug Enforcement Task Force operations in United States District Court are beginning to seriously weaken and, we hope, will soon destroy many of the drug trafficking organizations that prey on the citizens of our city.

INTERAGENCY COOPERATION

An important factor in the successes achieved in the drug enforcement arena has been the unprecedented cooperation among law enforcement agencies at all levels of government. We are all committed toward a common goal and utilization of the talents, tools and resources of multiple and diverse agencies to successfully immobilize high-level drug trafficking organizations. The implementation of the Organized Crime Drug Enforcement Task Forces has sparked an investigative/prosecutorial marriage marked with significant success.

Washington, D.C. is in the Mid-Atlantic Organized Crime Drug Enforcement Task Force region. The program overall, and this region specifically, have achieved tremendous strides in dismantling drug trafficking organizations. We are pursuing drug importation and distribution crimes, as well as those violations relating to the financial aspects of drug trafficking.

In addition to the Organized Crime Drug Enforcement Task Force program, there are numerous interagency mechanisms in place to address Federal, state and local cooperation. The first, and largest of these joint undertakings, is the DEA/MPD Task Force.

The DEA/MPD Task Force is headed by a very capable and experienced policy lieutenant with an extensive background in drug enforcement in the Washington, D.C. area. This unit primarily focuses on the heroin trafficking activities of the organized distributors in Washington, D.C. Their successes, as I will soon describe, have had a tremendous impact on the heroin traffickers in this city.

Under the direction of the DEA Assistant Special Agent in Charge, is the Nigerian Task Force, organized to counter the threat posed by organized heroin traffickers transporting high quality, nearly pure, Pakistani heroin through Lagos, Nigeria, and onward into the United States, and in particular, to Washington, D.C. In February 1985, this Task Force culminated a two-month investigation. The investigation resulted in the arrest of two Nigerian nationals and the seizure of five pounds of high quality heroin, worth in excess of $5 million.

The second Task Force unit is the PCP Task Force made up of representatives from DEA, MPD, Fairfax County, Arlington County, Loudon County Police, Prince William County Police, Virginia State Police, Maryland State Police, and the U.S. Park Police. This unified effort of Federal, state and local officers has provided a substantial deterrent to the production and distribution of PCP in the Washington, D.C. metropolitan area. They have effectively utilized DEA's precursor control program to provide evidence of laboratory operations well before the operators had a chance to manufacture their lethal dose of this devastating drug.

The DEA agents and the Task Force officers with their Federal authority have halted the clandestine laboratory operations of many of the major producers of PCP. Through their innovative and dedicated investigative efforts, they have been responsible for sending many of the nation's foremost suppliers of PCP to lengthy prison terms.

There is a third Task Force unit which effectively utilizes the consolidated law enforcement resources of: DEA, MPD, the U.S. Federal Aviation Administration Police, and the Arlington Police Department. This "Mass Transportation Detail" handles the investigative response to U.S. Customs Service seizures and arrests at the Dulles International Airport. They also conduct domestic drugs investigations at Dulles and National Airports, as well as follow-ups to Amtrak seizures at Union Station in Washington, D.C. This unit has achieved successes comparable to similar Federal/State Airport Task Forces throughout the country.

The best recent example of the cooperation exhibited in a major drug case here in in the prosecution of the Colombia Drug Racketeering Case. In that case, our Task Force group consisted of two AUSAs working close to full-time; one full-time DEA Agent; two full-time FBI Agents; one full-time Customs Agent; and one full-time IRS Agent. In addition, whenever there was a need for increased manpower for short periods of time, we were able to get an infusion of agents on a moment's notice. For example, in attempting to finish up the tax part of the investigation nine or ten IRS Agents were assigned to the case full-time for several weeks. That investigation resulted in the indictment of fifteen people, seven of whom pled guilty to multiple felonies. Another five defendants went to trial and were found guilty of multiple counts of conspiracy and drug distribution. One RICO case is currently pending against two defendants. The trial is expected to last through the month of April.

The investigation also led to forfeitures and seizures in excess of several million dollars worth of assets related to the drug organization. Using the RICO statute, Organized Drug Task Force members cooperated with law enforcement authorities in eight other judicial districts resulting in investigations and prosecutions of other drug defendants and organizations. Moreover as a direct result of the cooperative nature of the investigation conducted by five different agencies, another indictment was returned in Texas, in which six individuals were indicted for drug distribution, conspiracy to distribute drugs and for tax evasion. One of our Organized Crime Drug Enforcement Task Force attorneys is handling the prosecution in Texas. He was sworn in as Special Assistant U.S. Attorney to handle all phases of this spin-off case. Of those six defendants, two have pled guilty to tax offenses and to either conspiracy to distribute or distribution of drugs. The four remaining defendants are awaiting trial, which will begin in May of this year.

Our ability to disrupt such international trafficking operations has been greatly aided by the Reagan Administration's successful 1982 negotiation of a bilateral agreement with the Government of Colombia for the extradition of accused narcotics traffickers. Preliminary estimates indicate that approximately 74–90 metric tons of cocaine were exported to the United States in 1984. Approximately 75 percent of this supply originated in Colombia.

On March 16, 1985, the United States Attorney's Office obtained the first narcotics trafficking conviction against a Colombia national, Marcos Cadavid, who was extradicted pursuant to the new agreement. Cadavid was one of four Colombians extradited from his native country in January, 1985, to stand trial for narcotics offenses. His was the first case to come to trail in this country. A jury, in a case tried before United States District Judge Thomas Hogan, found Cadavid guilty as charged of conspiracy to distribute cocaine. On April 9, Judge Hogan sentenced Cadavid to the maximum term of imprisonment of 15 years and imposed the maximum fine of $25,000.

As our Task Force operations continue to grow and develop, we will have further significant supply-side victories. We will of course take full advantage of the full range of prosecutive tools available to us. Certain organizational, investigative, and prosecutorial techniques have emerged as particularly adaptable and effective in the high-profile multiagency environment; wiretaps authorized under Title III; the seldom-used, 15-year-old "kingpin statutes"—the Racketeering Influenced and Corrupt Organization (RICO) and Continuing Criminal Enterprise (CCE) statutes have all found their home in Task Force operations.

When our increased use of these statutes is combined with the new investigative and prosecutive tools provided in the Comprehensive Crime Control Act of 1984, we believe we have the means necessary to continue the new national law enforcement effort against drugs.

Let me add in closing that this national effort is not just one for law enforcement. Families, churches, schools, the business community and all institutions in our society have an obligation to fulfill and a vital role to play in turning away people of all ages from drugs. We in law enforcement can do our part, but we need help -and not just in the form of much needed additional professional resources. Role models in all walks of life must stand up and be counted in this war on perhaps the greatest threat to our national character. We welcome them to the fight. For in the last analysis, we in the nation's capital can gain little succor from the glib refrain that heroin does not grow here. Our local effort in regard to both apprehension and education must parallel our national commitment to eradication, if we are to succeed in delivering our city from the curse of drug abuse.

I, and the other federal law enforcement officials here, would be happy to answer any questions the Chairman and Members of the Committee may have at this time.

Mr. FAUNTROY. We thank you.

Mr. diGenova, you mentioned the role that the Department of Defense could play in the national effort and we are privileged to have two Members of the Congress who had very particular roles to play in shaping that new approach.

During the testimony of the police chiefs, we were made aware of the number of persons committed to drug enforcement in the various jurisdictions and were appalled at the posit of persons assigned to those tasks. We have also looked at the organized crime drug enforcement task force report which suggests a similar picture with respect to some of our Federal agencies in the mid-Atlantic region, at least.

I wonder if your first comment on the suggestion that the Defense Department has been so effective in alerting civilian agencies as to sighting by military vessels and aircraft of drugs en route to the United States, whether the Defense Department might perform a similar role with respect to cooperation with civilian agencies at the State and local level.

It is my understanding that when the commercial and civilian radar systems go down in the evening when commercial flights stop flying in large numbers, that our military radar screens light up to these small craft moving in, and all that the Defense Department can do is to sort of alert relatively undermanned civilian agencies that more is coming in.

I would like you to comment on the prospect of committing personnel from the armed services in this war that we have on drugs.

Mr. DIGENOVA. Mr. Chairman, as you might no doubt imagine being a Member of Congress, I am not authorized to make commitments about the use of personnel for anything. But as someone who is involved in law enforcement, I can tell you every day that I would love to have more people, no matter where they come from, who are duly authorized to perform law enforcement functions to join the battle. We need more people, we don't need fewer people.

The Department of Defense, to the extent that it is legally possible to do so, given the limitations of the Posse Comitatus Act, notwithstanding its recent amendments, I am sure would be open to suggestions from Members of Congress—and while I cannot speak for them, I am sure that given the tenor of the times, which involves, as I indicated in my testimony, a new commitment to doing something about this problem, both in terms of money and manpower, and moral commitment as well as legal commitment, that I am sure they would be delighted to respond to the committee more directly, and particularly those with authority to do so.

Mr. FAUNTROY. Thank you.

I want to yield at this time to my colleague Congressman Rangel for questions and then Mr. Gilman.

Mr. RANGEL. Thank you, Mr. Chairman.

Let me thank you, Mr. diGenova, for the aggressive and outstanding job that you are doing in the District, and your cooperation not only with the Federal officials but with the local officials as well. You certainly have been involved more aggressively than a lot of U.S. attorneys' offices which I have been privileged to be associated with.

I would want, Mr. Chairman, the opportunity to submit questions to the witness, since he covered, really, so much in his statement. But I gather that one of the reasons why we find ourselves in the dilemma that we have today is because of the prior administration's woeful record of neglect in this area. Is that your belief?

Mr. DIGENOVA. Mr. Rangel, when I look at the budget submitted by the Department of Justice for this year, which is $3.8 billion, and I look at that budget, which was $2.3 billion in 1981, that represents an increase of 62 percent, or $1.6 billion for the Department of Justice—and when I look at the increase in the number of Federal agents in DEA and FBI, the total number of assistant U.S. attorneys dedicated to this effort, there is no doubt——

Mr. RANGEL. Are you talking about this effort or the old law enforcement effort?

Mr. DIGENOVA. I am talking about the effort in the area of law enforcement in general, but in particular, there is no doubt that there are historic numbers of agents and prosecutors address this.

Mr. RANGEL. You can give us a breakout on where you see the increase in the amounts of moneys that have been made available by the U.S. Congress considering that we don't change with every administration, attribute what part you want to inflation, and also attribute what part you connect with narcotic law enforcement.

Mr. DIGENOVA. Be happy to do so.

[The information follows:]

[From the Wall Street Journal, April 9, 1985]

WE CAN'T STOP FRIEND OR FOE IN THE DRUG TRADE

(By Mark Kleiman)

The State Department seems to want us to believe that the U.S. drug problem is largely the fault of communist governments and movements that traffic in drugs to make money while weakening the American social fabric. Various congressmen, on the other hand, want to know why the administration has refused to enforce the law that denies U.S. aid and trade concessions to nations failing to act against drug exports when the governments involved are on our side in the Cold War.

There is less to all of this than meets the eye.

Governments, their agencies, their employees and their foreign surrogates are rather frequently involved in drug dealing, because:

It is a way to make quick, substantial and untraceable money.

They often need or want money they don't have to account for.

They have powers, resources, immunities and organizational capabilities that give them advantages in some aspects of drug dealing, and these make them more competitive in moving narcotics than they are in making steel or automobiles.

A PARTIAL ROGUE'S GALLERY

Even governments that do not traffic in drugs can help drug dealing in other ways, either by failing—corruptly, negligently or through incapacity—to prevent production and export of drugs or by creating havens of banking and corporate secrecy, thus helping drug dealers handle their money without getting caught.

None of this is any respecter of ideology. A (very) partial rogue's gallery would have pictures of:

Bulgarian customs guards reselling seized heroin.

Colombian colonels protecting marijuana exports.

Left-wing Colombian M-19 guerrillas financed with cocaine money.

Right-wing Colombian death squads financed with cocaine money.

Cayman Islands (U.K.) banking authorities enforcing banking-secrecy laws to conceal drug dealers' assets.

Afghan mujaheddin growing poppies and selling them to buy guns.

The Kuomintang (before 1949) and to this day various Kuomintang "lost armies" in Burma making a living from poppy growing and heroin refining.

The North Korean diplomatic service financing its embassies by smuggling heroin in diplomatic pouches.

Anti-Communist Hmong irregulars during the war in Vietnam supporting themselves—with the help of planes from the CIA-backed Air America—by dealing in opium and heroin.

The Nugan Hand bank (which, if not actually an arm of the U.S. intelligence community, at least had close ties to elements of it) financing heroin deals through Hong Kong.

The Iranian government conferring retroactive diplomatic immunity on a nephew of the Ayatollah Khomeini caught with a kilogram of heroin in West Germany.

The Hungarian pharmaceutical industry shipping bulk methaqualone powder under bogus end-use certificates to Colombia to be pressed into counterfeit Quaaludes for the U.S. market.

Other governments implicated in the trade, at least through inaction, include: Pakistan, the Bahamas, Bolivia, the Turks and Caicos Islands, Nicaragua and Mexico. Nor is it only foreign governments that find it difficult to control their law-enforcement machinery: In asking about the role of Mexican police agencies in the death of a U.S. drug agent there, we should not forget our own police and drug homicide scandals in Miami and Puerto Rico.

Among U.S domestic political groups, both the Rastafarians (a Jamaican religious cult that employs the ritual use of marijuana) and the anti-Castro Omega-7 movement have used drug dealing as a means of support.

Most everyone wants to crack down on drug dealing (except for those libertarians who take their ideology without ice or water). In consequence, when governments tire of accusing each other of torture, murder, genocide and Sabbath-breaking, they call each other dope dealers. It is the one unanswerable charge; even torture, murder and genocide (under euphemisms) have their defenders, but every man's hand is against the pusher.

When unfriendly governments and movements (those unfriendly to us and those to whom we have decided to be unfriendly) are involved in drug dealing, the issue is trumpeted, as in the indictment of a sitting minister of the Cuban government. Similar behavior by friendly governments and movements is handled quietly; we did finally ask for the extradition of a member of the Argentinian military government, but only after Raul Alfonsin's election as civilian president.

The Drug Enforcement Administration and intelligence-community reports implicating unfriendly governments become the basis of congressional testimony. Similar reports about friendly governments are marked "Top Secret." Nor can this really be called an abuse of the classification system; it would, in fact, damage U.S. security interests to publish the fact that the government of X, whose troops we are training to bait the Bear, is up to its medals in the drug trade or the money-laundering business, and that the U.S. government says so.

It is fashionable to say that we should put more pressure on foreign governments to stop the drug trade. This raises three questions: Would the pressure be successful? If so, would there be any effect on our drug problem? What other interests would we have to sacrifice? In my view, the answers are, respectively: probably not in most cases; almost certainly not, and, far more than we would care to.

Our influence with foreign governments is a scarce resource to be economized. Even ignoring foreign policy, and even from a strictly selfish point of view, we probably have a stronger interest in the farm policies, per-capita rates of gross national product and public-health measures of most foreign governments than we have in their drug exports. Better that Mexico should ship us more oil than less marijuana. Haiti's thugs in uniform and thieves in office threaten U.S. interests far more profoundly than do Jamaica's government-tolerated drug producers and smugglers. Who would seriously propose cutting off arms to Afghanistan until the freedom fighters stop growing opium?

Drug enforcement and drug-abuse prevention can be useful tools of foreign policy when they serve the needs of a foreign government or help political forces friendly to us. But the U.S. drug problem has to be solved in this country, with enforcement, prevention and treatment.

The Harrison Narcotics Act of 1914 didn't repeal the law of supply and demand. There are so many potential sources that the drugs are going to come from somewhere, and the import price of drugs is so low as a fraction of final consumer price that foreign actions won't make drugs significantly more expensive.

The typical "victory" in the foreign-source control program remains the Mexican marijuana eradication program. Spraying the herbicide Paraquat on Mexican marijuana fields virtually eliminated Mexico as a source of marijuana for the U.S. market, less by destroying the crops than by scaring the users. Almost immediately, Colombian production rose to fill the empty market niche, and U.S. marijuana markets were disrupted minimally, if at all. (For a thorough analysis of the impact of foreign-source control, see Peter Reuter's "Eternal Hope" in the spring issue of The Public Interest.)

TELLING THE TRUTH

The only major exception to the rule that no foreign government can do much for, or to, the U.S. drug problem, involves Mexican poppy production, and the Mexicans have been pretty good about that.

If all this is true, should the U.S. continue to use the narcotics issue one-sidedly as an anti-communist propaganda weapon, as it now does with human rights? This partly depends on your view about the relationship between diplomacy and veracity, and partly on whether you think the drug issue appeals to important audiences abroad. If, as seems likely, the issue is only good for domestic consumption, my answer would be "probably not."

The responsibility of the media and academics is more straightforward: to tell as much of the truth as possible to whoever will listen. The truth is that, on balance, our enemies are no deeper in the drug trade than are our friends, and the whole thing doesn't matter nearly as much as some people think it does.

Annual Report of the

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM

March 1985

Office of the Attorney General
Washington, D.C. 20530

March 19, 1985

The Honorable Ronald Reagan
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

When you announced the creation of the Organized Crime Drug Enforcement Task Force Program in October 1982, this Administration initiated a comprehensive attack against organized crime and drug traffickers. Through the strategic deployment of more than 1,000 Federal law enforcement personnel and 200 Assistant United States Attorneys and increased initiatives coordinated with State and local law enforcement officials and prosecutors as well as increased international cooperation, impressive gains have been achieved during the two years of Task Force operations. These resources, when combined with the new investigative and prosecutorial tools provided in the Comprehensive Crime Control Act of 1984, provide the means necessary to dismantle and destroy those criminal organizations, their financiers and suppliers who prey upon our society through their importation, manufacture, and distribution of illicit drugs.

The information in the enclosed annual report clearly demonstrates that the efforts of the agents and prosecutors involved in the Task Forces have begun to make major inroads against trafficking groups both on a national and an international scale.

Recognizing that the drug problem remains a serious and constant threat to this nation, our firm and continuing commitment to meet this problem head-on has effectively put the traffickers on notice that the eradication of their criminal enterprises continues to be a top priority of this Administration.

The annual report describes how Federal law enforcement agencies working together wage an ongoing battle with organized criminal groups. As of December 1984, the thirteen Task Forces had initiated 804 cases resulting in 953 indictments initiating criminal charges against 3,468 individuals. 1,408 individuals had already been convicted and sentenced, and fines, seizures and forfeitures exceeded $219 million. It also discusses how the Task Forces have used sophisticated investigative techniques and the full range of applicable criminal statutes to combat the increasingly complex drug trafficking trade.

The report highlights the first successful extradition of Colombian nationals effected pursuant to the 1982 extradition treaty with Colombia. Additional Colombian nationals named in Task Force indictments now face possible extradition to face charges in the United States. Another important development on the international front is the agreement with the Cayman Islands providing the United States with a means to gain access to the heretofore secret records of drug traffickers accounts in Cayman banking institutions.

The report provides an update of a number of the several parts of our overall strategy to combat drug-related and other criminal organizations. These include the Organized Crime Commission, the Governor's Project, the expansion of prison space and detention facilities, and enhanced law enforcement training capabilities. An analysis of the Comprehensive Crime Control Act of 1984 and the enhancements it provides to Task Force operations is also included.

Based upon the Organized Crime Drug Enforcement Task Force record to date and the prospect for continued success, it is my honor to transmit herewith the second annual report, presented through your office to the American people and the Congress. Copies are also provided specifically to the Appropriation Committees and Judiciary Committees of the Senate and House of Representatives.

Respectfully,

Edwin Meese III

EDWIN MEESE III
Attorney General

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Executive Summary

The second Annual Report of the Organized Crime Drug Enforcement Task Force Program describes the operations, accomplishments, and impact of the 13 regional Task Forces through calendar year 1984. During this second year, the first year of operation at full strength, the Task Force Program has continued to target, investigate, and prosecute major narcotic trafficking organizations and the high-level individuals within these organizations, as mandated by the President and Congress when the Program was initiated in October 1982.

The report identifies a number of Program refinements that occurred in 1984. The major enhancement of the Task Force Program was the design and implementation of the Florida/Caribbean Task Force. On October 1, 1984, the Attorney General announced the creation of the thirteenth Task Force. It encompasses the Northern, Middle, and Southern Judicial Districts of Florida, as well as Puerto Rico and the Virgin Islands. The thirteenth Task Force includes 132 agents and 26 Assistant U.S. Attorneys, as well as a complement of support personnel. By adding the Florida/Caribbean Task Force, complete national coverage by the Program has been achieved. A second initiative was the enhancement of the Case Monitoring System. The Case Initiation, Indictment and Sentencing forms were revised to delete duplicate data points and provide definitional uniformity. An Asset Forfeiture Form was added and the Monthly Reporting Form was changed to a Quarterly Report. A Caseload study was also designed and implemented to provide assistance in the forecasting of required investigative and prosecutorial resources.

Through agency perspectives and an overview by the Assistant U.S. Attorney Coordinators, the report presents the views of the agents and prosecutors working within the Task Forces. These contributions provide firsthand insight into the day-to-day operations of the Task Forces, such as the techniques used for case selection, the nature of and reliance on a team approach, and the merging of the expertise of various agencies to facilitate and streamline investigations. Task Force case examples underscore the cooperative nature of the investigations and the increased reliance on State and local law enforcement agencies. State agencies participated in 29 percent of Task Force investigations in 1984; local agencies participated in 38 percent.

The operations of the OCDE Task Force Program are further elucidated through a discussion of the various investigative and prosecutorial techniques utilized by agents and attorneys in the field. These include the use of undercover operations in 35 percent of the investigations, wiretaps in 24 percent, and the Witness Security Program in 24 percent. Ancillary discussions include the Task Force reliance on the cooperative assistance of foreign governments, and two breakthroughs in international cooperation are highlighted, as well as other breakthroughs in international cooperation. Chapter 4, "The Illicit Drug Situation in 1984," depicts the magnitude of the battle being fought by the OCDE Task Force Program. It points out that while marijuana consumption in the United States in 1984 was somewhat below the 1983 level, cocaine importation increased from an estimated 69 metric tons in 1983 to an estimated 74-90 metric tons in 1984. With this saturation of the marketplace the wholesale price of a kilogram of cocaine has dropped from $55,000 to $65,000 in 1982 to approximately $42,000 in 1984. The report also points out that Colombia, Peru, and Bolivia continue to be the major exporters of cocaine to the United States.

The statistical data presented in this report reflect the ongoing commitment of the Task Forces to focus their efforts on major organizations and high-level individuals. As of December 31, 1984, 808 Task Force cases had been initiated, resulting in the indictment of 3,460 individuals. As of that same date, 1,408 individuals had been convicted and sentenced as a result of Task Force initiatives. Fines, seizures, and forfeitures of property and cash exceeded $219 million through the end of 1984. The seizure and subsequent removal of illicit drugs from the marketplace included 214 kilograms of heroin, 17,282 kilograms of cocaine, and 503,386 kilograms of marijuana. The data also point to a continued concentration on use of the so-called "kingpin" statutes—the Racketeering Influenced and Corrupt Organization (RICO) and Continuing Criminal Enterprise (CCE) statutes. Through the second year of operations, the Task Forces indicted 355 individuals under RICO and 211 under CCE. These impressive figures, along with case examples, are evidence of an aggressive and accelerating battle against drug-related organized crime.

The report provides an update on the activities of the President's Commission on Organized Crime, the Governors Project, the training of State and local law enforcement personnel, and the Federal Prison Housing Expansion efforts. A review of the Comprehensive Crime Control Act of 1984 and its implications for the prosecution of major narcotics dealers is also included in the report.

In sum, 1984 has been a year of refinement, focus, and maturation for the Organized Crime Drug Enforcement Task Force Program. The agents and attorneys are more experienced and better equipped to fight criminal organizations. The commitment, confidence, enthusiasm, and success of these dedicated individuals can be measured by the impressive record attained over the last two years. In the coming year, the Task Forces will continue to utilize all means at their disposal to turn the tide in this country's drug war.

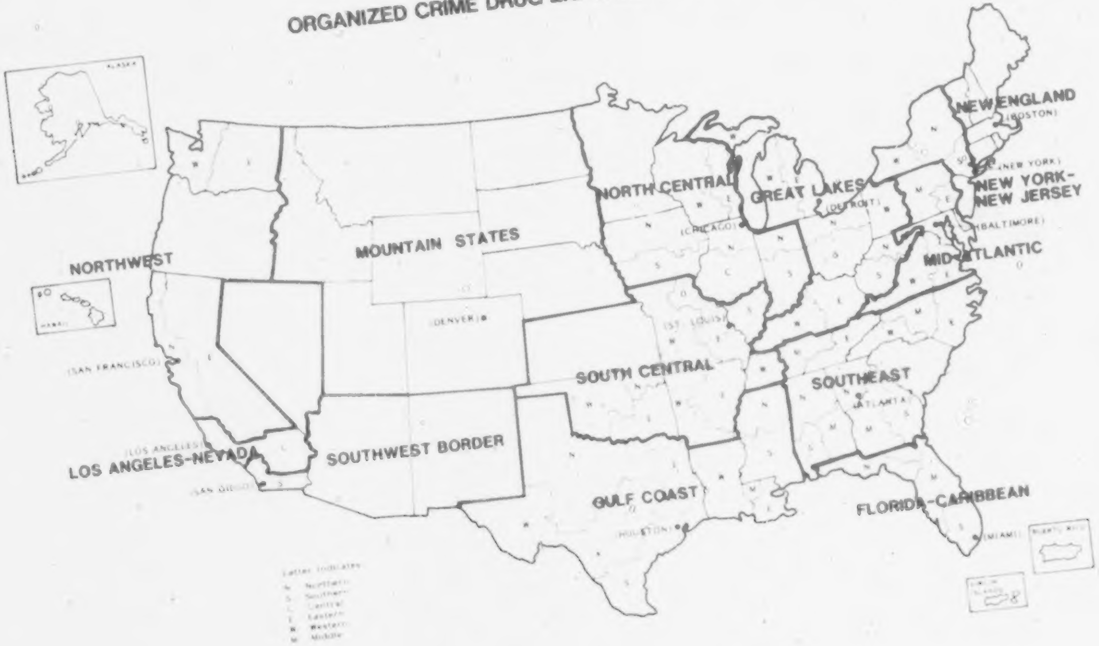
Annual Report of the

Organized Crime Drug Enforcement Task Force Program

March 1985

Exhibit 1-1

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES


ALASKA
HAWAII
NORTHWEST
(SAN FRANCISCO)
(LOS ANGELES)
LOS ANGELES-NEVADA
(SAN DIEGO)
MOUNTAIN STATES
(DENVER)
SOUTHWEST BORDER
NORTH CENTRAL
(CHICAGO)
GREAT LAKES
(DETROIT)
SOUTH CENTRAL
(ST. LOUIS)
GULF COAST
(HOUSTON)
SOUTHEAST
(ATLANTA)
FLORIDA-CARIBBEAN
(MIAMI)
PUERTO RICO
NEW ENGLAND
(BOSTON)
(NEW YORK)
NEW YORK-NEW JERSEY
(BALTIMORE)
MID-ATLANTIC
Letter Indicates
N Northern
S Southern
C Central
E Eastern
W Western
M Middle

Background and Introduction

1

On October 14, 1982, the President unveiled an extensive eight-point program to attack drug trafficking and organized crime. At the heart of this initiative was the Organized Crime Drug Enforcement Task Force Program—a network of regionally based, multiagency Task Forces comprised of a broad spectrum of Federal, State, and local criminal justice agencies.

This program was based on the recommendations of an ad hoc committee appointed by the Attorney General in mid-1982. This committee, comprised of senior officials of the Justice and Treasury departments, was charged with the task of devising a more effective approach to the problem of drug trafficking. The group reviewed previous efforts in the drug control field, including a variety of earlier "task forces" and other cooperative ventures. The result of its work provided the structural and philosophical bases for the Program.

This is the second Annual Report of the Organized Crime Drug Enforcement Task Force Program.

Purpose and Methodology of the Second Annual Report

The purpose of this report is to summarize OCDE Task Force Program operations and results during 1984, and, in doing so, to meet the congressional requirements that it explain the Program guidelines and describe their implementation, provide examples of cases successfully prosecuted, and present and analyze current narcotics flow and enforcement statistics.*

The methodology of the second Annual Report differs from that of the first in a number of important aspects.

The original Task Forces were authorized in January 1983 and became operational during the spring of that year. Therefore, the first Annual Report placed primary emphasis on aspects of organizational and operational development in terms of the *Guidelines for the Drug Enforcement Task Forces*. The second Annual Report places primary emphasis on the progressive implementation of the *Guidelines* and on the results achieved by the Task Forces.

The second Annual Report reflects this change in emphasis: (1) implementation of the guidelines is chronicled by narrative perspectives supplied by those who actually accomplished it; (2) narrative case results, through prosecution and appeal, are now available and are presented throughout the text as illustrations; (3) the 1984 statistical results of Task Force Program investigations and prosecutions are presented, and detailed drug use and market indicators are discussed.

These changes reflect the progress and maturation of the Task Force Program during its second full year of existence.

This report was drafted by the Task Forces themselves and by their national support system. Each agency has contributed a brief summary of its experience in the Program and has offered case descriptions. The Assistant U.S. Attorney Coordinators of the 12 original Task Forces have reported on how prosecutors affect and are affected by Task Force participation and have provided other observations which appear throughout the report. The thirteenth Organized Crime Drug Enforcement Task Force, the Florida/Caribbean, has discussed its evolution and provided a report on its unique situation.

The Drug Enforcement Administration, the Federal Bureau of Investigation, the Internal Revenue Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Marshals Service, and the U.S. Coast Guard have described their participation in the OCDE Task

* Report requirements were outlined in the House and Senate Appropriations Conference Committee Report, December 20, 1982, as published in the Congressional Record (H10 632). *The Guidelines for the Drug Enforcement Task Forces* were adopted by the Attorney General on January 20, 1983, which became the effective startup date.

Force Program and given their perspectives on its operation and development. The DEA drafted "The Illicit Drug Situation in 1984" and the FBI provided drafts reviewing Task Force employment of undercover operations and Title III wiretaps. The IRS and the Department of Justice Tax Division reviewed the role of tax grand juries. The Criminal Investigation Division of the IRS contributed sections of Chapter 3, "Investigative and Prosecutorial Techniques." The other Presidential drug law enforcement initiatives are described by cognizant agencies in Chapter 6 of the Annual Report.

Research, editorial, and production assistance was provided by Aurora Associates, Inc., of Washington, D.C.

Throughout this Annual Report run two consistent undercurrents—teamwork and achievement. It is no longer a novelty for multiple agencies to plan and conduct investigations and prosecutions together. Instead, ways of focusing this synergistic power against what are emerging as highly powerful enemies of the public are now discussed.

> ***While national in scope, and subject to Federal oversight, the Task Force Program was to be decentralized, thus permitting the widest possible flexibility in dealing with problems peculiar to the regions.***

The reports received from the field and from the headquarters focus on cases—what the traffickers were doing and how those activities were disrupted by the joint efforts of the Task Forces. A few of these cases are presented here in brief, offering an exposition of the magnitude of the problem as well as the Task Force solutions. No region has yet reported running out of big drug cases. On the contrary, the early investigations have spun off leads carrying agents deep into the narcotics economy to uncover high-level violators formerly shielded by layers of subordinates. It is in the details of the investigation and prosecution of these cases that the characteristic Task Force capabilities can best be observed.

Implementing the Task Force Concept

In combining the resources of several agencies, the designers of the Organized Crime Drug Enforcement Task Force (OCDETF) Program sought to avoid the pitfalls encountered by earlier task forces in the drug field. Five guiding precepts were key to the emerging design:

1. The Program was to be national in scope in order to respond to the national scope of drug trafficking and of the major organizations engaged in the illicit drug business. Localized enforcement programs, even of a regional nature, were seen as inadequate and inappropriate because of the extended scope of criminal organizations working the drug trade.

2. The Task Forces' operational decision making was to be based on a consensus model. The participating agencies would conduct their affairs on the basis of disparate methods of operation with varying institutional backgrounds, philosophies, approaches, and types of expertise. An authoritarian model would exacerbate or artificially suppress these differences, with resulting discord and inefficiency. The consensus-based approach would permit the retention of institutional personalities and the full exercise of organizational capabilities.

3. The Task Force Program was to be drawn from existing agencies and its participants were to retain their organizational identities; the Program would not create a new bureaucracy. Task Forces would not be "superagencies," with the accompanying potential for the infringement of citizens' rights and participating agencies would operate in accord with their own tested and proven methods and guidelines.

4. While national in scope, and subject to Federal oversight, the Task Force Program was to be decentralized, thus permitting the widest possible flexibility in dealing with problems peculiar to the regions. This degree of flexibility would permit the Task Forces to dispose their assets in the manner most appropriate to their own needs.

5. The Program was to have a quick start-up. The urgency of the drug trafficking problem demanded a prompt response.

Exhibit 1-2

The OCDE Task Force Program

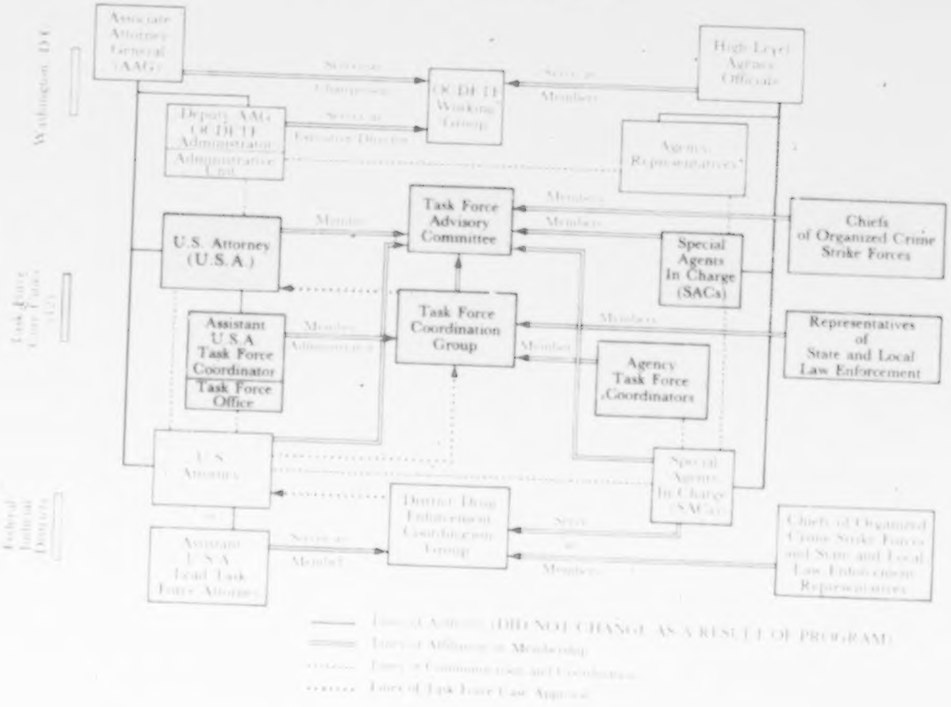
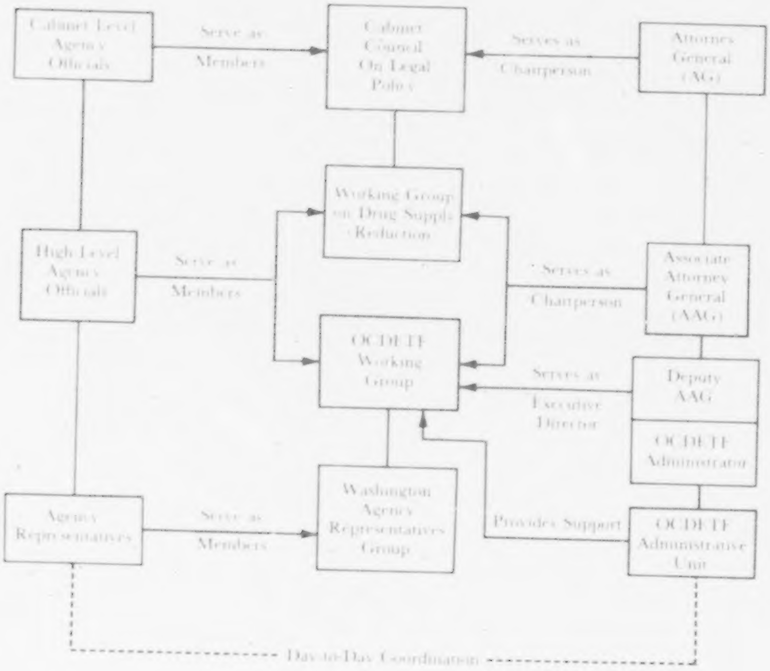

Washington, D.C.
Task Force Core Cities (12)
Federal Judicial Districts
Associate Attorney General (AAG)
Serves as Chairperson
OCDETF Working Group
Serve as Members
High-Level Agency Officials
Deputy AAG OCDETF Administrator
Administrative Unit
Serves as Executive Director
Agency Representatives
U.S. Attorney (U.S.A.)
Member
Task Force Advisory Committee
Members
Members
Chiefs of Organized Crime Strike Forces
Special Agents In Charge (SACs)
Assistant U.S.A. Task Force Coordinator
Task Force Office
Member
Administrator
Task Force Coordination Group
Members
Member
Representatives of State and Local Law Enforcement
Agency Task Force Coordinators
U.S. Attorneys
Special Agents In Charge (SACs)
District Drug Enforcement Coordination Group
Assistant U.S.A. Lead Task Force Attorneys
Serves as Member
Serve as Members
Chiefs of Organized Crime Strike Forces and State and Local Law Enforcement Representatives
Lines of Authority (DID NOT CHANGE AS A RESULT OF PROGRAM)
Lines of Affiliation or Membership
Lines of Communication and Coordination
Lines of Task Force Case Approval

Exhibit 1-3

Structure of the Washington Elements of the OCDE Task Force Program


Cabinet Level Agency Officials
Serve as Members
Cabinet Council On Legal Policy
Serves as Chairperson
Attorney General (AG)
Working Group on Drug Supply Reduction
High Level Agency Officials
Serve as Members
Serves as Chairperson
Associate Attorney General (AAG)
OCDETF Working Group
Serves as Executive Director
Deputy AAG
OCDETF Administrator
Agency Representatives
Serve as Members
Washington Agency Representatives Group
Provides Support
OCDETF Administrative Unit
Day-to-Day Coordination

> even though operations against high-level targets would be lengthy. The Program was to be designed to move rapidly into an operational posture, with a minimum of bureaucratic delay.

These guiding principles provided the framework for the creation of the OCDE Task Force Program. As announced by the President, the Program was to be composed of 12 regional Task Forces. The Program would cover the entire country, except, at that time, for Florida. Participants would be the U.S. Attorneys' offices, the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms (ATF), the Internal Revenue Service (IRS), the U.S. Coast Guard, and the U.S. Marshals Service. Initial resource allocations provided for 1,019 investigative agents, 200 prosecuting attorneys, clerical and technical assistants, special startup funding, and additional money for operational use. Overall organizational plans and operational policies were set forth in *Guidelines for the Drug Enforcement Task Forces*, framed by senior representatives of the participating agencies and issued over the signature of the Attorney General.

The Guidelines

The *Guidelines for the Drug Enforcement Task Forces* were designed to provide a structured but flexible set of operational and administrative rules of conduct for the Task Forces. There has been a high degree of compliance with the letter and spirit of the *Guidelines* on the part of the participating agencies, and the Task Forces have grown into unique but closely related entities, sharing goals, methods, and resources.

The *Guidelines* set forth the OCDE Task Force Program goal:

> To identify, investigate, and prosecute members of high-level drug trafficking enterprises and to destroy the operations of those organizations by means of:
>
> - Adding new Federal resources for the investigation and prosecution of major drug trafficking organizations; and
> - Fostering improved interagency coordination and cooperation in the investigation and prosecution of major drug cases.

The *Guidelines* also enumerate the specific objectives of the Program, as follows:

> 1. To target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises, including large-scale money laundering organizations;
> 2. To promote a coordinated drug enforcement effort in each Task Force region and to encourage maximum cooperation among all drug enforcement agencies;
> 3. To work fully and effectively with State and local drug law enforcement agencies; and
> 4. To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, to identify and convict high-level traffickers and to make possible government seizure of assets and profits derived from high-level drug trafficking.

Appropriate targets for the Task Forces, according to the *Guidelines*, include:

- traditional organized crime figures;
- major outlaw motorcycle gangs;
- prison gangs or prison-associated organizations;
- criminal groups formed for the purpose of importing and/or distributing large amounts of controlled substances, or which are financing the foregoing in addition to other nondrug criminal activity; and
- physicians, pharmacists, or other registrants illegally dispensing substantial quantities of prescription drugs.

The Task Force Program in Washington

The *Guidelines* provide for national oversight of the OCDE Task Force Program through a number of groups composed of representatives of various Federal departments and agencies. This oversight is, as a rule, advisory in nature, providing policy direction and, when needed, dispute resolution.

The senior oversight group is the *Cabinet Council on Legal Policy*, chaired by the Attorney General.[*] This council has responsibility for national policy formulation and interagency coordination and cooperation; it deals only with exceptional, national-scale problems and is seldom concerned with the day-to-day details of Task Force operations. The *Working Group on Drug Supply Reduction* is chaired by the Associate Attorney General (see Appendix C for composition of this Working Group) and provides support to the Cabinet Council as well as guidance to the *Organized Crime Drug Enforcement Task Force (OCDETF) Working Group*. This Working Group is also chaired by the Associate Attorney General and is composed of senior officials from agencies of the Treasury, Transportation, and Justice departments. (A roster of the Working Group's ex officio membership is in Appendix D.)

The *OCDETF Working Group* provides direct supervision and guidance for the OCDE Task Force Program nationally. It is its role to articulate policy and to coordinate the development and maintenance of the OCDE Task Force Program. It is this Working Group's responsibility to resolve interagency administrative or policy disagreements that cannot be settled in the field. The *OCDETF Working Group* is charged with the responsibility for reviewing the *Guidelines* on an annual basis, and for continuing review of resource allocation.

The *Washington Agency Representatives Group* provides routine staff assistance to the Working Group (see Appendix E). It works in close association with the OCDETF Administrative Unit (see below) through meetings and individual consultation. During the early days of the Program, this group met as often as twice a week; meetings are now regularly scheduled on a monthly basis.

The *OCDETF Administrative Unit*, in the Department of Justice, is under the supervision of the Deputy Associate Attorney General. It has day-to-day responsibility for providing administrative support to the Task Forces and is responsible for records management and maintenance. This Unit serves as a first-echelon point of contact for the Task Forces when Washington intervention or problem-solving assistance is required. The Administrative Unit operated through the OCDE Task Force Program's first two years without funding and without its own table of organization; personnel were drawn, on loan, from other offices. In late 1984 a Director for the Administrative Unit was authorized, and assigned five personnel positions in the office of the Associate Attorney General.

The relationships among the elements of the OCDE Task Force Program are set forth in the exhibits on the following pages.

Task Force Field Organization

The original design for the Task Force Program resulted in the creation of 12 Task Forces (Florida and the Caribbean have now been incorporated into the Task Force structure—see Chapter 2.) In each of the Task Force regions, a major city was designated as a "core city," and the Federal judicial district in which it is located was termed the core city district. The other judicial districts within a region are referred to as non-core city districts or, for simplicity, as districts.

The number of districts in a region varies from two (in the Los Angeles/Nevada Task Force) to 12 (in the Gulf Coast and the Southeast Task Forces). During 1984, as events demonstrated the need, adjustments were made from the original composition of some Task Forces. A complete year-end listing of the regions and the districts, together with personnel allocations, appears in Appendix B. Chapter 2 explains the changes.

The *U.S. Attorney* for the district where the core city is located is the senior official responsible for the performance of each Task Force. The U.S. Attorney is accountable to the Associate Attorney General for Task Force matters and chairs the Task Force Advisory Committee for the region. The U.S. Attorney also oversees Task Force operations and progress and supervises the Assistant U.S. Attorney Task Force Coordinator, described below.

The core city U.S. Attorney has no line authority over other U.S. Attorneys and their staffs, nor over the personnel of investigative agencies, but bears direct responsibility for the emphasis placed on Task Force activities in the district. The core city U.S. Attorney is also responsible for facilitating interaction among the various agencies, and among the representatives of the districts within the region. The positive, aggressive, and skillful support of the core city U.S. Attorney is extremely important to the success of a Task Force.

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[*] The Comprehensive Crime Control Act of 1984 codified the drug enforcement coordination mechanisms established by the Cabinet Council on Legal Policy and the Working Group on Drug Supply Reduction. Effective January 20, 1985, this Act established the National Drug Enforcement Policy Board chaired by the Attorney General.

Each Task Force region has a *Task Force Advisory Committee* composed of all of the region's U.S. Attorneys, the Assistant U.S. Attorney Task Force Coordinator, the Agency Task Force Coordinators, and the senior representatives of the investigative agencies throughout the region. Where there is an Organized Crime Strike Force, its chief is also a member of the Committee. It is this committee's responsibility to oversee the Task Force and to provide general guidance on policy and procedures, within the context of the *Guidelines*.

The central administrative element for each Task Force is the *Task Force Coordination Group*. This is the most visible and recognizable Task Force entity, and usually occupies "the Task Force office."

Each participating agency—ATF, Coast Guard, Customs, DEA, FBI, IRS, and the Marshals Service—has one representative designated as an *Agency Coordinator* and member of the *Task Force Coordination Group*. (The Coast Guard is not represented in the Mountain States and North Central Task Forces.) These agency coordinators are relatively senior and experienced investigative personnel, drawn from their respective organizations. For the most part, they have no supervisory authority over personnel within their agencies (only ATF consistently maintains a supervisory role for its coordinators) but serve to coordinate the activities of their agencies within the Task Force, to provide a direct and informed communications channel to facilitate Task Force operations, to participate in the review, selection, and disposition of Task Force cases, to monitor the allocation of resources to Task Force cases, and to contribute to both the Task Force's and their agencies' reporting and information systems.

An Assistant U.S. Attorney (AUSA) in the core city, the *AUSA Task Force Coordinator*, has the responsibility for the administrative operations of the Coordination Group and for establishing and maintaining the Task Force office. This AUSA Coordinator is also to serve as a focal point for communications among the Task Force's districts, among various Task Forces, and between the Task Force and the Administrative Unit in Washington. It is the AUSA Coordinator's responsibility to ensure that reports to Washington are timely and conform to the requirements spelled out by the Administrative Unit.

In the (non-core) districts, it is once again the U.S. Attorney who sees to the general coordination and oversight of Task Force operations. The U.S. Attorney also provides the administrative support and organizational leadership for the District Drug Enforcement Coordination Group, which reviews case selection, resource allocation, and operational progress of Task Force efforts. Districts do not have individual Task Force Coordination Groups such as those in the core cities. Each U.S. Attorney designates an AUSA to serve as Lead Task Force Attorney for the district. This AUSA has responsibility for managing Task Force administrative requirements, overseeing the case selection process, providing necessary reporting, and serving as a liaison point with the core city Task Force office.

The individuals designated to serve in Task Force positions are required by the Guidelines to be experienced in the conduct of Federal narcotics cases.

Personnel

Personnel allocations for the Task Force Program were for 200 AUSAs and 1,019 agents from the participating investigative agencies. Support personnel—clerical, technical, and paralegal—totaling 387 were also allocated. The breakdown of allocations among the several agencies was as follows through September 1984:

	Attorneys/Agents	Support
Asst. U.S. Attorneys	200	146
FBI	343	77
DEA	274	63
IRS	165	35
U.S. Customs	142	58
ATF	72	8
U.S. Marshals Service	12	—
U.S. Coast Guard*	11	—

*(Coast Guard receives no budget allocation for Task Force personnel, but has stationed coordinators with all Task Force offices except Denver and Chicago.)

With the creation of the Florida/Caribbean Task Force in October, an additional 15 attorney, 57 agent, and 24 support positions were allocated; 64 more slots are planned when Department of Treasury funding becomes available in 1985 (see Appendix B). All of the positions indicated are for field personnel, with the exception of five IRS and 53 Customs support positions allocated to the Treasury Financial Law Enforcement Center in Washington, D.C.

The individuals designated to serve in Task Force positions are required by the *Guidelines* to be experienced in the conduct of Federal narcotics cases. By and large, this policy has been adhered to, with the partial exception of those agencies that have not recently or traditionally had such involvement. U.S. Attorneys and agency supervisors were instructed to designate experienced and capable personnel for the Task Forces, while "back-filling" their vacated positions and avoiding any diminution of effort or effectiveness against their pre-Task Force targets.

All of the participating agencies made good-faith efforts to meet these injunctions, but shortages of trained and experienced personnel made it impossible always to sustain prior levels of effort while devoting a substantial portion of senior agents and attorneys to the OCDE Task Force Program. To a certain extent, these shortfalls persisted for some time, but as additional personnel have moved through the agencies' respective pipelines, "back-fills" have been accomplished. The Task Forces themselves are fully and competently staffed and moving into routine personnel reassignment cycles.

The *Guidelines* further state that the term "Task Force personnel"—referring to both agents and attorneys—is to be interpreted to mean dedicated or full-time permanent positions rather than cumulative hours or "fulltime equivalency." Provision is made for filling up to 25 percent of an agency's allocation on the basis of person-hours, however, to permit temporary utilization of individuals with special skills and to provide a certain amount of managerial flexibility. Task Force cases often require the commitment of resources over and above the designated investigators and attorneys in order to get the job done, and as a result many agencies in a number of the Task Forces are exceeding their required personnel commitments and are doing so largely on the basis of person-hours, rather than dedicated or permanent, full-time personnel. While the use of full-time equivalent personnel results in more difficult personnel accounting, some managers have found that such practice affords them greater flexibility in responding to day-to-day fluctuations in requirements. Others feel strongly that a dilution of personnel dedication results in a reduction of availability and responsiveness.

Operations

Task Force operations follow the same life cycle as other narcotics prosecutions: initiation, investigation, prosecution, disposition. These stages are looked at briefly in the following paragraphs and the features that distinguish Task Force cases from others are highlighted.

Initiation

Task Force cases can be said to originate twice: once with the inception of an agency's investigation and once more when the case is accepted for Task Force status. Regardless of the case's "age," it may be submitted by the investigating agency for acceptance as a Task Force case. In the districts, the case is reviewed and endorsed (or rejected) first by the District Drug Enforcement Coordination Group. If that group approves it, the district's U.S. Attorney forwards the initiation form to the core city's Task Force Coordination Group for its consideration. If the Coordination Group agrees, the case is formally adopted by the Task Force.

Specified criteria for acceptance of a case by a Task Force are spelled out in the *Guidelines*. A case is appropriate for Task Force adoption if it appears to:

- involve major drug trafficking figures;
- require the resources and expertise of another agency because of possible violations other than those involving narcotics;
- have serious investigative ramifications that extend to other geographical jurisdictions; and/or
- require the assistance of an Assistant U.S. Attorney during the early stages of an investigation.

The local approval process is an integral part of the decentralized nature of the Task Force Program. It enables each region to make its own determination of the scope and nature of cases appropriate for the Task Force, in light of such local conditions as trafficking patterns, the nature of drug use in an area, and the economic or social impact of drug use or trafficking in an area.

The case selection and initiation process initially included oversight by Washington to establish certain levels of "quality" for Task Force cases. In accordance with the OCDE Task Force Program development plan, the Washington involvement in case selection was discontinued in July 1983. The Task Forces now have the responsibility for selecting their own cases. By the end of 1984 a total of 804 cases had been initiated. The characteristics of these cases are displayed in the exhibits presented in Chapter 3.

It is apparent that the number of Task Force cases on the books has continued to increase, although the resources available to the Program have not. Consequently, Coordination Groups increasingly scrutinize cases under review for possible Task Force status in terms of the resources—particularly personnel resources—that they will require. During 1984, some Task Forces have added to the earlier qualitative selection criteria a requirement that Task Force resources adequate to the effective pursuit of a case be identifiable and available. Increasingly, new cases cannot be approved for the Task Force until earlier cases are completed or dropped. The Task Forces are still endeavoring to arrive at a practical method of eliminating from the record—and from actual practice—cases that no longer qualify for Task Force resources, for whatever reason. Law enforcement activities often resist neat categorization and recognizable boundaries; this is particularly so with the complex cases that constitute the bulk of the Task Forces' case loads.

Investigation

The Task Force Program's *Guidelines* direct that:

> Investigation should focus on criminal activities in order to achieve high level prosecutions and, when appropriate, should also concentrate on the financial aspects of the case. The investigations should utilize a wide range of advanced and traditional investigative techniques which may include but not be limited to:
>
> - undercover
> - Title III
> - immunity
> - tax grand jury
> - other grand jury
> - parole into the United States
> - extradition
> - witness protection

The thrust of this directive is threefold. In the first place, it directs that investigations will not be of the traditional "buy/bust" nature, in which drug sellers are arrested promptly after making one sell to an undercover operative. Instead, investigations will continue beyond the first buy and beyond the retail seller to identify and collect evidence on the illegal activities of major traffickers—importers and distributors—and of the financiers, lawyers, and others who participate in money laundering and other support roles.

Second, the directive requires that investigations will utilize such investigative techniques as are appropriate, drawing upon the special resources of the Task Forces as necessary. This means that more than one agency's particular expertise, technology, and personnel strength can be employed in Task Force cases. The Task Forces are also provided with special appropriations of operational funds which can be drawn upon for the purchase of evidence and information, and for the purchase of sophisticated investigative equipment.

In addition to directing enhanced cooperation and coordination among the several agencies that participate in the Task Force Program, the Guidelines encourage wide cooperation with State and local law enforcement agencies and provide for reimbursement to them for overtime work on Task Force investigations.

Third, the range and nature of the investigative techniques requires, more often than not, continuing and intensive participation by Assistant U.S. Attorneys in the development of investigative strategy and in the provision of continuing counsel to ensure that evidence growing out of the investigation will be complete, conclusive, proper, and admissible.

Task Force investigations have indeed benefited from these stated intentions in the *Guidelines* and from a number of synergisms that may not have been anticipated. The result is a litany of features found in Task Force investigations that are not standard in traditional efforts. They include more experienced investigative personnel; ready attorney availability; greater personnel resources, both in numbers and range of expertise; interagency communications channels that result in rapid and effective flow of investigative information; and the existence of a Task Force "network" such that, for example, a [illegible] investigative team can achieve instant attention and rapport with its counterparts in Ohio.

– 12

In addition to directing enhanced cooperation and coordination among the several agencies that participate in the Task Force Program, the *Guidelines* encourage wide cooperation with State and local law enforcement agencies and provide for reimbursement to them for overtime work on Task Force investigations. The generally enhanced relations with State and local agencies have greatly increased investigative leads and opportunities, augmented the personnel resources available to investigations, and consolidated relations among the agencies of various levels of government.

Another distinguishing feature of Task Force activities is the emphasis placed on financial investigations, directed at proving or reinforcing drug charges, bringing tax or currency charges against target drug dealers, and identifying assets subject to seizure and forfeiture. The Task Forces have designated experienced attorneys and agents to serve as specialists in financial investigations. A Task Force feature of some novelty, which has grown during 1984, is a financial investigative unit now existing within most of the Task Forces. The manner in which these specialists operate and the role of financial investigations in Task Force operations are described in some detail in Chapter 3.

Also worth noting is a substantial increase in the use of international litigative efforts in support of investigations as well as prosecutions. Perhaps most outstanding is the greater use of extradition of witnesses as well as fugitives, the parole into the United States of witnesses, and the acquisition, through legal means, of banking and financial information from foreign financial institutions. Working closely with the U.S. Department of State, the Task Forces have been highly successful in this area of international investigations.

These and other investigative highlights of the Task Force Program are examined further in Chapter 3. Statistical data reflecting the nature of the Task Forces' investigations are to be found in Chapter 5.

Prosecution

Task Force prosecutions benefit from broad, thorough, and careful investigations of the sort outlined above, and from the dedicated attention of attorneys who are skilled and experienced in narcotics cases and who are intimately familiar with the cases at hand. Distinctive factors of Task Force prosecutions include:

- a disciplined use of plea agreements, as outlined in the *Guidelines*, to lead to higher level targets;
- an increased emphasis on forfeitures either in civil actions or under the criminal forfeiture provisions of the "kingpin" statutes;
- the use of any of a wide range of statutes, not just drug statutes, to put drug trafficking organizations out of business; and
- a concerted determination to coordinate governmental activities among various jurisdictions in order to achieve maximum impact on entire organizations.

Increasingly, Task Forces are making use of the process of "cross-designation" of attorneys permitting State or local prosecutors to participate in Federal prosecutions and vice versa. As with the use of State and local investigators, this practice not only augments the attorney resources that can be brought to bear, it also adds to prosecutorial flexibility in terms of choices of venues and charges.

The effectiveness of the Task Forces' prosecutions is attested to by the extent to which they have resulted in convictions under the statutes that carry heavy penalties. A section of Chapter 3 provides a detailed look at the Task Forces' success in utilizing the "kingpin" statutes.

Dispositions

The ultimate statistical measure of law enforcement success is to be found in the outcome of prosecutions. A review of the statistics presented in Chapter 5 shows that, during 1984, Task Force cases resulted in 1,559 persons whose cases were disposed of, of whom 1,129, or 72.4 percent, entered a guilty plea; 279, or 17.9 percent, were found guilty; 51, or 3.3 percent, were found not guilty; and charges against 100, or 6.4 percent, were dismissed.

Case examples describing how a few of the 1984 cases were pursued and concluded are interspersed among the succeeding chapters.

The Standby Senator

Luis Pinto grew up in Colombia, son of an active political leader. Upon reaching college age he came to the United States where he attended the University of Kentucky and then, Indiana Institute of Technology. He returned to Colombia in 1958 and went into politics. Like his father, he was successful, and he was elected "Standby Senator" from his home state of Boyaca. Then, in 1980, he returned to Kentucky and installed himself and his family in a large estate in the small city of Fort Wright.

Late in 1982, the Fort Wright police chief told the FBI of his concern about the wealthy South American, living in a luxurious mansion, moving large amounts of currency through local banks, and apparently unemployed. Since there was suspicion that the money was related to drugs, the FBI joined with the DEA to investigate the chief's suspicions. They found that Pinto had made deposits of cash in local banks during the previous year—amounting to more than $3 million.

The FBI brought the case to the newly-formed Great Lakes Task Force in early 1983, and IRS and Customs joined the investigation team. The principal agencies agreed to put their own special talents into the case, and met almost daily with the responsible Assistant U.S. Attorney to coordinate their planning and to share the information collected. An intensive financial investigation revealed that Pinto had moved not just $3 million, but more than $12 million through local banks during the previous 18 months. Pinto and his 22-year-old son would frequently deposit cash, or make a cash purchase of a cashier's check. To avoid completing Currency Transaction Reports, he kept his cash transactions under the $10,000 reporting threshold. Over 500 cashier's checks, amounting to $6 million, were transmitted to Colombia.

An extensive surveillance mounted by DEA and FBI agents revealed Pinto traveling to Panama with $3 million in cash in five suitcases. On another occasion, Pinto's "tails" saw him ship a suitcase by plane from Miami to Northern Kentucky. Pinto's son picked up the suitcase at the airport, and later the same day he made several deposits of cash to his father's accounts in various banks. Task Force agents had the banks' tellers keep the Pinto cash separate, and later a "sniffer" dog picked out these bundles of money as having drug traces. DEA laboratory analysis confirmed the dog's finding; the drug was cocaine.

A phone tap was installed, and a team of Spanish-speaking agents handled the monitoring and translations. Movements of drugs and money between Miami and Colombia were uncovered through the phone tap. The tap also showed that Pinto, in a state of near panic, planned to move his family back to Colombia. A television network special program, "The Cocaine Cartel," had described Pinto as a launderer of drug money. His reaction was clear to those monitoring the phone tap, as he talked with relatives and associates in Colombia.

To keep close track of Pinto's departure plans, the Task Force had a confidential informant act as if he were buying the mansion. This source was then able to keep the Task Force informed of Pinto's actions and plans. Pinto bought plane tickets for himself and his family—one way—to Colombia. That was all the Task Force needed. Search and arrest warrants were obtained. Agents executing the warrants seized half a million dollars, guns, and cars—and arrested the Pinto family.

It did not take long for a grand jury to indict Pinto, his wife, and son. It didn't take Pinto much longer to weigh the evidence against him and decide to plead guilty, and agree to cooperate with the Government, in hopes of mitigating his punishment. He received a 10 year sentence and fines of $525,000. His wife and son were placed under supervised parole.

A nice ending? No, just a nice beginning. For instance, Pinto told of his account in a Montreal Bank. The Royal Canadian Mountain Police cooperated with the Task Force, and obtained a seizure warrant for the $500,000 in the account—a precedent setting action for the RCMP.

Pinto's further confessions revealed that he was actually laundering funds for three organizations. One operated primarily in South Florida, another in Los Angeles, and the third in San Francisco. With free access to Pinto's records and his recollections, the investigators determined that his laundering activities during the previous two years were far greater than they had believed, amounting to about $50 million. The records and information now available made it necessary to use a computer program to track dates, events, people, and sums of money.

Growing out of the seminal Pinto investigation were three separate cases dealing with the organizations Pinto had served. The Los Angeles case led to the indictment of more traffickers—two charged with CCE. Extradition has been requested for seven defendants in Colombia. The Miami case resulted in the indictment of seven, five of whom were arrested and two of whom are in Colombia, the subjects of extradition requests. The third case, in San Francisco, is still in progress. Yet other trafficking organizations and mechanisms for laundering money are being uncovered as the Standby Senator's case continues to expand.

The Second Year

2

Nineteen eighty-four was a year of maturation and consolidation of gains for the Task Forces. Investigations matured into prosecutions, and agents and attorneys honed and perfected what for many were newfound technical skills. The special procedures developed during the Program's first year for tailoring agency capabilities to meet case development needs have been institutionalized.

The Federal, State and local agencies engaged in drug and cashflow interdiction in South Florida were now joined to the nationwide system by the creation of the Florida/Caribbean Task Force. The Task Force Administrative Unit was able to improve the system for tracking cases, to implement logical revisions of certain Task Force geographic boundaries, and to initiate a study of the burgeoning Task Force case load.

These innovations of the Task Force's second year are summarized in this chapter. The Task Forces in the field speak for themselves through agency and AUSA reports of their views at the close of the second year.

The Thirteenth Task Force

On October 1, 1984, the Florida/Caribbean Task Force became the thirteenth OCDE Task Force, completing the Program's national coverage. By year's end, the newest Task Force was at work on dozens of substantial cases, providing support to its sister Task Forces, and working in harmony with pre-existing drug law enforcement elements in the region.

Florida was host to both the earliest and the most recent major Federal drug task force. Southern Florida had served as a focal point for related efforts for several years prior to the initiation of the OCDE Task Force Program. Florida and the Caribbean experienced seriously escalating drug-related crime problems beginning in the early 1970s. Miami and the surrounding ports were the points of entry into the United States of vast amounts of marijuana and cocaine, primarily produced in South America. While Miami itself constituted a market for some of these drugs, it was and remains primarily a trans-shipment point to all areas of the country. It is also a banking center through which flows huge amounts of cash, the fruits of illicit drug transactions.

Miami is easily accessible to South American drug traffickers. It was a well-established commercial and financial center long before the onslaught of the narcotics trade. There were previously developed popular patterns of commerce and travel between Miami and South and Central America. These factors, combined with the potential for smuggling that hundreds of miles of coastline and scores of remote airports present, made Florida a hospitable base for the illicit drug trade.

As this trade grew, so did related violence in the streets of Miami. Foreign and immigrant traffickers did not observe the "disciplines and courtesies" of many indigenous American criminal groups, with established criminal etiquette and mutual respect for territory. Many traditional criminal organizations had developed a system of "living by the rules," only infrequently resorting to violence as a means of resolving disputes. The newcomers to American drug dealing resorted to violence much more readily. Many South American-based smugglers and dealers believed that carrying — and using — high-powered, sophisticated weapons was an essential element in defending one's supply of drugs. Homicides in and around Dade County rose alarmingly; murders occurred in broad daylight, and in plain sight. All too often the victims were innocent bystanders.

As this terrifying lawlessness strained available police resources in the area, drug dealers amassed exceptional amounts of money, much of which found its way into the banking system of Southern Florida. South American criminal narcotics organizations directed payments from their U.S. wholesale customers to Miami. From California, New York, Detroit, Denver, and the rest of the country came cash payments for tons of marijuana and kilos of cocaine. In suitcases, duffel bags, and cardboard cartons—the cash flowed into Miami banks.

In order to be useful, the profits from drug sales had to be either available for reinvestment in further purchases of wholesale drugs in foreign countries—or laundered. Both the transfer of funds out of the country for reinvestment and the laundering of funds through foreign accounts typically began at the domestic commercial banks. This kind of activity can tend to corrupt elements of a banking system.

> ***As early as 1978, the Federal Reserve Banks in Miami and Jacksonville received a surplus of $3.3 billion in currency from financial institutions in Florida. In contrast, the remaining 35 Federal Reserve Banks were required to provide the institutions they serviced with some $3.5 billion in currency. By 1984 the Miami Branch of the Federal Reserve experienced a cash surplus of $7 billion!***

As a result of this activity, Miami rapidly became the U.S. leader in drug related cash flow. As early as 1978, the Federal Reserve Banks in Miami and Jacksonville received a surplus of $3.3 billion in currency from financial institutions in Florida. In contrast, the remaining 35 Federal Reserve Banks were required to provide the institutions they serviced with some $3.5 billion in currency. By 1984 the Miami Branch of the Federal Reserve experienced a cash surplus of $7 billion! This huge surplus, recognized as a strong indicator of the processing of drug money, coupled with the unprecedented incidents of violence, served as strong impetus for the development of a new Federal response.

The Federal response to what had become an intolerable situation took several forms. The first was the establishment, in 1980, of Operation Greenback, made up of investigation and prosecution teams in Miami, Tampa, and San Juan. The teams were made up of criminal investigators from IRS, Customs, and DEA, and prosecuting attorneys from the U.S. Attorneys' offices and the Department of Justice. The Greenback units focused upon the flow of illegal drug money through the area's legitimate institutions.

The most widely heralded initiative was the creation, in early 1982, of the Vice President's South Florida Task Force (VPSFTF), charged to coordinate and strengthen Federal drug law enforcement in the region. The VPSFTF was responsible for the creation of the DEA/Customs Joint Task Group, an investigative effort focusing on the follow-up of interdictive operations. To assist in carrying out the VPSFTF mandate dealing with criminal weapons use, ATF tripled its personnel in Southern Florida, and entered into an aggressive program of collaboration with State and local forces in firearms enforcement, resulting in a 400 percent increase in firearms cases prosecuted in the district.

These substantial initiatives were solidly in operation in late 1982, when the President announced the creation of the Organized Crime Drug Enforcement Task Force Program. The strides made by these organizations in Southern Florida had, on the one hand, encouraged Federal planners to use the multi-agency task force approach more widely in confronting drug trafficking. On the other hand, these focused attacks had diverted a substantial amount of drug smuggling to gulf and eastern sea- and airports of entry. Money laundering activities had been diverted to as far away as New York and the California-Mexico border. The problems were now shared by many regions.

A more recent addition to the Federal presence in Southern Florida was the National Narcotics Border Interdiction System (NNBIS), an information-gathering and consultative organization designed to identify smuggling operations and to assist the Coast Guard and Customs in interdicting the illegal importation of drugs. NNBIS is also charged with facilitating the use of military resources in support of interdiction actions. NNBIS was established in March 1983, with six regional locations around the country, to assist in coping with the vast amount of drug importation, including the importation that had been diverted from the Miami area.

The OCDE Task Force Program was structured to avoid disrupting the organization and functioning of the enforcement programs already operating in Southern Florida. The original plan provided limited additional resources to Southern Florida and only modest resources and no organizational structure to the Northern and Middle Districts of Florida.

Although drug traffic in and through Southern Florida had received widespread attention, relatively little notice was given to the situation in the Caribbean. Clearly, Puerto Rico shared many of

> ***Because such a high proportion of the United States' cocaine and marijuana imports, and the dollars they generate, travel through Miami, the other twelve Task Forces find themselves in steady contact with various Southern Florida officials.***

Miami's economic and cultural ties to Latin America and was comparably accessible to smugglers. [redacted]

Acting through supplementary budget appropriations for FY 1985, Congress authorized the establishment of the Florida/Caribbean Task Force as an integral part of the Organized Crime Drug Enforcement Task Force Program.

The Department of Justice took considerable pains to design and inaugurate a Florida/Caribbean Task Force compatible with existing programs. Studies were made to obtain Florida law enforcement perspectives, to determine what elements were already available and what others were needed to make the new Task Force a viable and productive addition, and to determine how best to integrate the new program with existing ones without waste or disruption.

The primary concern of those involved was that the new Task Force would add to the complexity and difficulty of rationalizing and coordinating drug law enforcement activities in the area. Some officials in Southern Florida lamented the proliferation of investigative agencies and the difficulties encountered in attempting routine but essential coordination. In an area with more than 1,000 drug investigators already at work, the insertion of yet one more organization was viewed with apprehension. In order to be accepted and to succeed, the new Task Force would have to create new avenues of coordination without reinforcing existing communication barriers.

Another challenge affecting the plans for the new Task Force was the enormous volume of referrals being received in Florida from other OCDE Task Forces. Because such a high proportion of the United States' cocaine and marijuana imports, and the dollars they generate, travel through Miami, the other 12 Task Forces find themselves in steady contact with various Southern Florida officials. There is a constant and sizable flow of requests to Miami for investigative assistance in support of cases in other parts of the country. Often providing this assistance requires days of investigative time. Frequently, other Task Forces develop leads or obtain information that is properly considered to be of operational interest to Miami investigators and prosecutors; the receipt and pursuit of such leads is also time consuming. Even routine requests for information which are not demanding on an individual basis can assume overwhelming proportions when their numbers increase. It was clear that the new Task Force should plan to serve the other Task Forces and the existing drug law enforcement programs in Miami by becoming a clearinghouse and service center for dealings among them.

A need existed for the new Task Force to serve as a regional entity, providing assistance and guidance to the state's Middle and Northern Districts, and to Puerto Rico and the Virgin Islands, as well as the beleaguered Southern District of Florida. None of these judicial districts had received significant resources, support, or guidance under the previous arrangement, and it was essential that they be joined in a regional approach to the problems common to them all.

Another factor to be considered in planning for the new Task Force was the differences in scale and concept between OCDE Task Force Program cases and those typical of Southern Florida. The Task Forces concentrate their attention on organizations, and structure their investigations accordingly, using a multi-agency approach. Cases under investigation by agencies of the Vice President's South Florida Task Force, in contrast, were generally selected on the basis of prior intelligence of major transactions. Nonetheless, the volume of drugs and size of drug transactions in or through Southern Florida was of such magnitude that no other Task Force region regularly dealt with transactions of comparable importance. Typical drug transactions in Southern Florida can be as much as 10 times the size of those in other regions. The advent of the OCDE Task Force Program meant the introduction of a different conceptual approach—targeting organizations—and linked the national OCDE Task Force Program to extremely high levels of trafficking, as well as to numerous other high-profile drug law enforcement groups.

The Florida/Caribbean Organized Crime Drug Enforcement Task Force became operational in Miami on October 1, 1984. In accordance with a schedule of careful development, all the parts were in place on that date. The Florida/Caribbean Task Force was set up according to the *Guidelines*, supplemented by several considerations. Primary among these is the rule that no existing task force, group, operation, or office would be altered as a result of the initiation of the OCDE Task Force Program, unless agreed to by the entity affected.

Unlike most existing drug law enforcement groups in the area, the Florida/Caribbean Task Force would be a regional group, responsible for resources throughout the five Federal judicial districts assigned to it.

Consistent with Organized Crime Drug Enforcement Task Force Program policies elsewhere, the Task Force would function under the general policy direction of an advisory committee. The Florida/Caribbean Advisory Committee, however, would have additional representation, reflecting the unique characteristics of the region. The Florida/Caribbean Advisory Committee is composed of:

- The U.S. Attorney, Southern District of Florida, Chair;
- The U.S. Attorneys of the Middle and Northern Districts of Florida, and of the Districts of Puerto Rico and the Virgin Islands;
- The Special Agents in Charge of the participating Federal investigative agencies;
- Representatives of State and local law enforcement bodies;
- A representative of the Department of Defense;
- The Chief of the Miami Organized Crime Strike Force, and
- The Commander of the Seventh Coast Guard District, who is also the Coordinator of the Vice President's South Florida Task Force and of the Southeastern Region of NNBIS.

Thus the advisory committee has, through the Coast Guard Commander, representation from both the VPSFTF and NNBIS. The result is further assurance that the policies of the major organizational elements are kept consistent and mutually supportive.

The next organizational level is the Task Force Coordinating Group, which differs from those of the other Task Forces in two respects. First, in addition to the regular corps of agency and AUSA Coordinators, it has an Administrator, supplied by the Department of Justice, to assist in Task Force management and to facilitate interaction among the many drug law enforcement elements in the area. Second, the Coordinating Group provides continuing operational-level technical coordination between the Task Force and NNBIS. Recognizing the particular importance of interdiction in the Florida area, the Task Force makes special efforts to provide information derived through the investigative process to NNBIS. Daily contact between the Coordination Group and NNBIS facilitates the timely flow of technical information between the two offices.

Further, to ensure operational coordination with both NNBIS and the Vice President's Task Force, an informal but regular liaison has been established at the operating level, through regular meetings of the OCDETF Administrator and the Staff Coordinator for those two organizations.

The District Drug Enforcement Coordination Groups in the remaining districts of Florida, Puerto Rico, and the Virgin Islands follow the same pattern as those in other Task Forces around the country. The respective U.S. Attorneys appoint the Groups, which review and consult on resource allocations and progress, and a Lead Task Force AUSA, responsible for Task Force operations in the district.

Prior to October 1, 1984, the only Task Force personnel allocations in the Florida/Caribbean region were for nine AUSAs and six support positions in the three districts of Florida. The following table shows the professional (agent or attorney) personnel assigned to each of the Florida/Caribbean

District	USAO	FBI	DEA	USCS	IRS	ATF	USMS	USCG
N. Dist. FL	5	0	0	2	5	0	0	0
M. Dist. FL	8	8	7	4	10	2	0	0
S. Dist. FL	11	23	18	17	13	13	1	1
Puerto Rico	2	3	3	0	2	0	0	0
Virgin Islands	0	0	0	0	0	0	0	0
TOTALS	26	34	28	23	30	15	1	1

Task Force's districts as of the end of 1984.

In addition to attorney and agent positions, 40 new support positions were added to the six existing in the three Florida districts, to make a total of 46.

Many of the new positions were filled by experienced, existing personnel, with backfill to their respective agencies actually creating the additional personnel. Staffing, however, was not fully complete by year's end. Department of Justice agencies had begun the process but would not complete the hiring and training necessary to reach full strength until the Spring of 1985. Treasury agencies were obliged to await additional congressional appropriations action in order to reach full programmed strength.

The Greenback operations in both the Florida and Puerto Rican districts were being incorporated directly into the new Task Force, keeping their proud identity and gaining new Task Force associations. By mid-1984 the Miami office of Operation Greenback was conducting about 50 investigations with a staff of 53 investigative agents and attorneys and a support staff of 22 clerks and technicians.

In Florida's Middle District, Operation Greenback included eight attorneys and agents. The Puerto Rican Greenback operation was conducted by nine attorneys and agents when it became part of the new Task Force. The inauguration of the Florida/Caribbean Task Force served to support and strengthen all of these Operation Greenback efforts.

As part of the process of integration, the Greenback managers consolidated much of the ongoing activity into cases that met OCDE Task Force Program criteria. Those cases that did not meet these criteria were being phased out of the Greenback inventory, and by year's end those Greenback cases being actively pursued were consistent with *Guidelines* standards, and new cases were being developed. To further this vital integration of Greenback into the Task Force, senior Greenback agents from DEA, IRS, and Customs were appointed by their agency managers to serve as coordinators for their respective agencies in the new Task Force.

One of the three Greenback operations (Miami) in the Florida/Caribbean region moved promptly and smoothly into the Task Force, becoming a functioning and productive specialty unit. The other two operations were still in transition as the year ended.

Another special function was established within the Task Force, responding to OCDE Task Force Program referrals. Coping with the flow of referrals and requests for assistance has been a major responsibility of all the agencies in Southern Florida, as previously noted. Each of those agencies responded to such requests in a positive manner, trying to balance its own immediate needs with those of other Task Forces. Now the Florida/Caribbean Task Force Coordination Group serves to expedite and facilitate that process. The Coordination Group assists the Task Force agencies' referral units by screening and placing in order of priority those referrals and requests received from other Task Forces. This mechanism provides a clear and responsive channel for the other Task Forces around the country and reduces the interference in investigative agencies' operations, which was common before this system was implemented.

In addition to integrating Greenback and handling referrals, most Florida/Caribbean Task Force agents and attorneys are devoted to the pursuit of regular cases within the Program context.

The Northern and Middle Districts of Florida were participants in the OCDE Task Force Program from the beginning. At the time of the new Task Force's inauguration they had some 38 cases in an active status. The two districts had operated outside a regular Task Force Program environment—independent of a regional structure. (As noted elsewhere, the Program's system is highly decentralized and relies on regional offices for coordination and guidance, within the framework of the *Guidelines*.) In the absence of explicit regional guidance and coordination, the two districts had developed widely differing standards and approaches. The Northern District had developed a large caseload, totaling some 26 cases, while the Middle District, using a different case structure, had initiated only 12. An early priority established for the new Task Force is to assist and support districts in bringing their policies—and caseloads—into a common regional standard.

By the end of 1984, the two districts had a total of 32 active cases. Since the OCDE Task Force Program's inception in 1983, the Task Force agencies in the Northern and Middle Districts of Florida had convicted a total of 56 individuals.

Puerto Rico and the Virgin Islands presented new dimensions to the OCDE Task Force Program. The unique geography, cultures, and laws present challenges to the program which are not yet fully identified. Puerto Rico has introduced two major investigations into the Program. Although no Task Force personnel resources were allocated for the Virgin Islands, the Miami office of the Task Force and the U.S. Attorney in the Virgin Islands have set about defining and implementing an operational plan for that district.

The new Florida/Caribbean Task Force moved promptly in Southern Florida to adopt and initiate cases meeting Task Force Program criteria. By year's end, the Southern District of Florida had certified 10 cases, targeted on those organizations believed to be the largest and the most extensive in scale and impact. These cases were at varying stages when taken into the Task Force, and two have already resulted in indictments.

Thus, in a relatively short period of time, plans were drawn for the new Florida/Caribbean Task Force, and it was inaugurated in an environment rife with narcotics crime and already containing a large number of traditional and nontraditional law enforcement organizations. It was established without altering, displacing, or disrupting any existing law enforcement operations. Arrangements were made to ensure fullest possible coordination with existing entities and the Task Force began operations of its own, while reinforcing Greenback's financial investigations and cases, and setting aside resources to respond to the referrals of other Task Forces.

Realignments and adjustments were still taking place at year's end as the OCDE Task Force Program approach took root and operations were geared up toward capacity.

As the Florida/Caribbean Task Force reaches its full size and status, it can be expected to develop further its unique identity within the Task Force Program. It will add a new dimension to the drug law enforcement program in Southern Florida, focusing sharply on the discovery and prosecution of organized criminal elements engaged in drug trafficking there and across the hemisphere. It is expected to foster the creation of a regionwide program dedicated to coordinated and concentrated pursuit of drug-dealing organizations.

Fine-tuning the System

Judicial Districts

Experience gained during the first full year of Task Force operations indicated that a number of judicial districts should be shifted from one Task Force to another to bring them more closely in line with the patterns followed by organized crime and the structures of the law enforcement agencies. These realignments would result in a streamlining of investigations and prosecutions and a reduced need for bureaucratic coordination. Four such transfers were made on October 1, 1984.

Northern District of Mississippi

The Northern District of Mississippi was reassigned from the South Central Task Force to the Gulf Coast Task Force.

It had originally been anticipated that the majority of OCDE Task Force cases in this district would originate in Memphis, Tennessee, a South Central Task Force city. In practice, however, all of the Northern Mississippi Task Force cases have involved trafficking from Mexico and Colombia, via the Gulf Coast.

The fact that this had been the only district in the 5th Circuit that was not in the Gulf Coast Task Force reinforced the transfer decision.

A final consideration was the fact that the FBI and DEA Special Agents in Charge for the Northern District of Mississippi are located in the Southern District of Mississippi, a Gulf Coast Task Force district.

Northern and Western Districts of New York

These two districts were originally included in the New England Task Force. The lines of criminal activity that most affect these districts, however, emanate from the New York City area and not from New England (Boston). In addition, all of the investigative agencies in these districts are overseen by offices within New York State, and none is subordinate to a New England office.

Western District of Kentucky

This district was transferred from the South Central Task Force to the Great Lakes Task Force to conform more closely to the investigative agencies' structures. The offices in charge of all of the investigations in the Western District of Kentucky are located within the Great Lakes Task Force region; none is located in the South Central Region.

The Case Monitoring System

The OCDE Task Force Program has gathered critical information about the first two years of its investigations through the use of the OCDETF Case Monitoring System. This system was designed to satisfy the reporting and management needs of the Associate Attorney General, U.S. Attorneys, the OCDETF Working Group, the Task Forces, and other program administrators. In 1984, after a full year of experience, a revision to simplify and upgrade the reporting system was initiated. The resulting changes became effective January 1, 1985.

The Case Monitoring System used to generate the statistics presented in this report consists of the automated OCDE Task Force data collected from four separate forms: the Case Initiation Form, the Indictment Form, the Sentencing Form, and the Monthly Report. In the revised system the formats of these forms have been simplified. The Monthly Report has been replaced by a Quarterly Report and a fifth input source, the Asset Forfeiture Form, has been added. A description of each part of the revised system follows.

An *Investigation Initiation Form* replaces the Case Initiation Form. It serves two primary functions. First, the form provides the Assistant U.S. Attorney Task Force Coordinator and the core city Task Force Coordination Group with a full explanation of why the investigation should be considered for Task Force status. Second, it provides preliminary data for the records of the regional Task Force and for the Administrative Unit in Washington.

In the districts, the Task Force attorney assigned to the investigation completes the Investigation Initiation Form in close consultation with the agents involved in the investigation. Copies of the form are then distributed to the district Special Agents in Charge (SACs) of the Task Force agencies (FBI, DEA, Customs, IRS, ATF, etc.) and other agencies where appropriate. The district's U.S. Attorney then reviews the data and, if approved, the form is forwarded to the AUSA Task Force Coordinator in the core city for consideration by the Coordination Group.

The Task Force Coordination Group examines each core city and district Investigation Initiation Form and determines whether it meets Task Force selection criteria. If the investigation is accepted, the form is initialed by the Coordinators and is then signed by the core city U.S. Attorney. Finally, it is forwarded to the Administrative Unit in Washington for entry into an automated data system.

The *Indictment or Information Form* replaces the Indictment Form as the second part of the revised system. Its primary purpose is to give the Core City Coordination Group and the Administrative Unit a full description of each indictment or information returned and each defendant charged in Task Force investigations.

As with the Investigation Initiation Form, the Indictment or Information Form is completed by the Task Force case attorney in consultation with the investigative agents, distributed to all district SACs, and certified by the U.S. Attorney. The form is then forwarded to the regional level for review by the Task Force Coordination Group, providing opportunity for close coordination of the Task Force effort. Finally, the Indictment or Information Form is sent to the Administrative Unit for processing.

On a quarterly basis the Administrative Unit prepares and sends a computer-generated *Disposition and Sentencing Report* to each Task Force. This report, a summary of data from Indictment or Information Forms, consists of one formatted sheet for each individual who has been indicted but whose case has not been disposed of by sentence, acquittal, or dismissal. The forms are distributed to the responsible attorneys in the field who complete the report as decisions are rendered. At the end of the quarter the districts send their reports to the AUSA Task Force Coordinator for review. The Coordinator forwards them to the Administrative Unit as part of the Quarterly Report for the region.

The *Quarterly Report* provides the Task Force Coordinators with an update of significant activities and problems in their respective districts. It also provides the Administrative Unit with a consolidated report of Task Force activities and of current concerns in each Task Force. The format is a questionnaire which asks for information on post-sentencing actions and appeals, administrative or management issues, significant developments in Task Force cases, and the impact of recent convictions on targeted organizations. The Quarterly Report is completed by the Lead Task Force Attorney in each district and sent to the AUSA Coordinator, who consolidates the information into a single Quarterly Report from the region.

The totally new instrument in the revised Case Monitoring System is the *Asset Forfeiture Form*. This form is used to report the value and disposition of assets forfeited to the government in Task Force cases. The Asset Forfeiture Form requires data such as the type of asset, its estimated value at seizure and actual value at disposition, and the statutory authority for forfeiture. Working closely with the case agents, the Task Force case attorney is responsible for completing the form immediately after a forfeiture is ordered. Once completed at the case level, the form is forwarded to the Task Force Coordinator and then to the Administrative Unit in Washington.

The Administrative Unit is the central repository for all OCDE Task Force data and reports. It monitors compliance with the Case Monitoring System, provides administrative support to the program at the national level, and produces documents needed for internal and external purposes. The Case Monitoring System generates essential data required by the Associate Attorney General to manage and assess the OCDE Task Force Program.

The Caseload Study

Early attorney involvement in the development of investigative strategy is one of the cornerstone principles of Task Force practice. It has been widely recognized that the more complex the case, the greater the need for expert attorney involvement during the investigative stages to ensure the admissibility of evidence collected, and to maintain the integrity of the impending prosecution. During the first months of the Task Force Program, when only a few cases had reached the prosecution stage, there were ample attorney resources to provide for early involvement. However, as the growing caseload matured, functions performed by Task Force members shifted heavily from investigative toward prosecutorial tasks. In the second year of the Program, agents and lawyers spent far more time in court or preparing for courtroom activities than in 1983.

As caseloads swelled in some Task Forces, methods of controlling work volume were developed that narrowed the *Guidelines*, where the instruction is to accept "significant investigations of major drug trafficking organizations that warrant the involvement of more than one investigative agency . . . [and] . . . demand significant attorney resources during the investigative stage." The will to take on all such cases was not diminished but the capacity was lacking in some locations and it was decided to limit the acceptance of new cases through prudent management controls.

This screening occurred first at the law enforcement agencies, which sometimes chose not to "let a case go Task Force," because investigator time committed to the Task Force already exceeded personnel allocations. When a case survived the first screen and was nominated, agency and AUSA coordinators measured its projected personnel requirements against their agencies' personnel availability. Inevitably, some important cases were refused.

For October 1983, AUSAs reported spending 64 percent of their Task Force time in preindictment activities. A year later, in October 1984, the situation was reversed and 62 percent of time was now devoted to pretrial and trial/appeal functions.

The Office of the Associate Attorney General was concerned about the potential impact of this phenomenon on Task Force operations. In September 1984, using funds provided by the National Institute of Justice, a preliminary study was initiated to further illuminate and quantify these conditions of caseload stress so that future agent and attorney requirements might be more accurately predicted. A group of researchers familiar with the Task Force Program designed the study to include three related research efforts utilizing data samples that fairly represent the first two years of program operations.

The additional resources provided by the OCDE Task Force Program have allowed the conduct of a greater number of long-term, in-depth investigations from the initial stages to ultimate conclusion . . .

The first such effort, *Timeflow*, gathered information from more than 140 Assistant U.S. Attorneys, 40 by face-to-face interview, and the rest by mailed questionnaires. The AUSAs were asked to describe their Task Force involvement over a period of 15 months, in terms of cases worked, time invested, and functions performed. These functions—such as meeting with investigators, drafting indictments, responding to motions, writing sentencing memos—were classified as investigative or prosecutorial depending upon whether they preceded or followed indictment dates. Prosecutorial functions were again split into pretrial and "trial/appeal" segments. Data were then aggregated and the results analyzed for content and trends.

Another approach, *Caseflow*, examined 20 successful Task Force prosecutions to determine month-by-month what Federal investigator effort, as well as AUSA time, brought them to conclusion. In this study, results can be compared with investment to provide useful predictive information.

These studies were backed up by *Database*, a broad analysis of existing case and personnel data from the automated data bases of the FBI, DEA, IRS, ATF, and U.S. Customs, as well as the Administrative Office of U.S. Courts, the Executive Office of U.S. Attorneys, PROMIS, and the Task Force Program itself. Data base studies also addressed general questions of agent and attorney time expended, comparative case length and caseloads, outcomes, and other factors by which Task Force cases might be distinguished from other Federal criminal prosecutions.

Final results of the caseload study are due in May, but some findings and trends are already apparent.

- In 1984 the five principal Federal investigative agencies exceeded their original agent commitment to the Task Forces by 12 to 25 percent.

- Over a 17 month period, assigned AUSAs reported devoting 51 percent of their Task Force time to preindictment activities, mainly grand jury preparation and participation in the development of investigative strategies. However:

- For October 1983, AUSAs reported spending 64 percent of their Task Force time in preindictment activities. A year later, in October 1984, the situation was reversed and 62 percent of time was now devoted to pretrial and trial/appeal functions.

- From the reported sample of cases at each of six month-long "windows," 25 percent were in post-indictment stages in July 1983, 35 percent in October 1983, 41 percent in January 1984, 54 percent in April, 55 percent in July, and 62 percent in October 1984.

Investigative agencies, particularly the FBI and the IRS, have assigned more agents into Task Force cases than were allocated in 1984 budgets. In addition the Task Force cases so pursued have set up prosecutor demand which exceeds the 200 authorized Task Force AUSAs. In some districts, this expanding workload has been spread by the U. S. Attorney over a number of AUSAs, whether or not designated as Task Force personnel. In others, caseload is tightly controlled to conform with existing personnel allocations.

The study, when distributed to the Task Forces, will assist coordinators and agency managers in predicting personnel requirements and effectively planning their caseloads. It should also provide the Justice Department with the possibility of developing new forecasting ability and a glimpse of the profile and magnitude of the future Task Force caseload.

Agency Perspectives

Drug Enforcement Administration

During the second full year of operation the OCDE Task Force Program continues to enjoy the enthusiastic support of DEA field personnel. This enthusiasm stems primarily from the positive advantages that have accrued because of the Task Force concept.

DEA has become increasingly proficient in all aspects of financial investigations, organized crime penetration, and other areas due in large part to its relationship with other Task Force agencies.

There have always been more potentially high-level cases waiting to be worked than personnel and funds to work them. Investigations of major high-level traffickers have inherent requirements for the long-term investment of personnel and funds. The additional resources provided by the OCDE Task Force Program have allowed the conduct of a greater number of long-term, in-depth investigations from the initial stages to ultimate conclusion, while still addressing the overall drug trafficking problem.

Because of the varied resources available, the OCDE Task Force Program has attracted the best cases. A greater number of significant cases, yielding stronger penalties, have resulted. This has been due to the increase in funding and investigative personnel; the availability of an experienced prosecutorial staff; the sharing of expertise among Federal agencies; the greater emphasis on the use of financial and Title III investigations; and CCE/RICO indictments.

Historically, DEA has been an organization heavily involved in cooperative efforts. In addition to its close working relationships with other Federal law enforcement agencies such as the INS, IRS, FBI, and U. S. Customs Service, DEA has always worked with State and local law enforcement agencies in both formal and informal task force operations. DEA has engaged in cooperative investigative activities because it has long recognized that the complexity of the drug trade is such that varied forms of expertise are needed to combat trafficking effectively.

State and local law enforcement agencies play a major role in the cooperative picture. By designating $3.2 million for State and local over-

. . . Class I violators in all DEA investigations received an average sentence of 97 months. Class I violators in DEA-initiated Task Force investigations were given an average sentence of 138 months.

time and expenses, the OCDE Task Force Program has paved the way for increased State and local participation. The use of local law enforcement personnel in the program has resulted in several important accomplishments. First, it has expanded the number of law enforcement officers available to work drug cases. Second, it has solidified the already excellent relationship between DEA and State and local law enforcement agencies. Third, it has involved State and local authorities in the highest level of drug law enforcement, thus raising the sights of these authorities to new plateaus.

Each Task Force case is by nature a multifaceted investigation selected at the outset by mutual agreement. Each OCDE Task Force case that is initiated is guaranteed to have the cooperative expertise of the entire Federal law enforcement community. DEA and the FBI are highly skilled in the planning and conduct of investigations, the conduct of surveillances, and the retrieval of criminal records; the U.S. Customs Service and the INS are expertly equipped to intercept drugs and drug violators entering the United States; and the Internal Revenue Service is particularly strong in determining individuals' net worth and in penetrating efforts designed to disguise ownership of assets. The combining of these resources provides a formidable weapon for the enforcement of Federal drug laws.

In this combined effort, DEA has been unselfish in the sharing of expertise with other agencies and has also benefited from the exposure it has had to other disciplines in the Federal law enforcement community. DEA has become increasingly proficient in all aspects of financial investigations, organized crime penetration, and other areas due in large part to its relationship with other Task Force agencies.

DEA also recognizes that the cooperative aspects of the OCDE Task Force Program extend to the prosecutorial level. The addition of 200 Assistant U.S. Attorneys dedicated solely to the prosecution of drug-related cases has meant that at least in Task Force cases, DEA does not have to compete for prosecution time with other agencies. The importance of this is reflected in the fact that Class I violators in all DEA investigations received an average sentence of 97 months. Class I violators in DEA-initiated Task Force investigations were given an average sentence of 138 months.

Finally, statistical results of the OCDE Task Force Program are indicative of the Program's success. From the inception of the program through FY 1984, DEA has brought 540 cases to the OCDE Task Force, virtually all of which have been against major trafficking groups. DEA has participated in 2,336 arrests and seized roughly $84 million in assets including 477 vehicles, 52 vessels, 19 aircraft, $32 million in currency, $32 million worth of real property, and 223 weapons. DEA presently is devoting approximately 52,000 investigator hours per month to the OCDE Task Force Program.

In the final analysis, the OCDE Task Force Program concept has allowed the U.S. Government to better coordinate its resources in combating drug trafficking. From the Drug Enforcement Administration's perspective, it is working.

Federal Bureau of Investigation

During the second year of the OCDE Task Force Program, the Federal Bureau of Investigation (FBI) has continued its substantial commitment of resources to this important Program. Recognizing the significance of the problem being attacked, the FBI has dedicated 550 Special Agents* to Task Force investigations, although allocated only 362 agents for that purpose. At all levels of management, from the Director to the Field Supervisor, a common theme of commitment to the OCDE Task Force Program prevails.

The Director, in establishing FBI goals, has stressed the importance of the Program and the necessity for participating agencies to make good-faith efforts at greater cooperation. During the past two years in the OCDE Task Force Program, the FBI has developed a better understanding of the other Federal, State, and local agencies contributing to the drug law enforcement effort and, at the same time, has had an opportunity to share with the other participating agencies the investigative skills developed during its 76-year history.

Historically, the FBI has utilized the Title III electronic surveillance technique in attacking both traditional and nontraditional organized crime groups. This practice has continued during the second year of the OCDE Task Force Program, as reflected by the fact that the FBI was actively involved in processing 95 Title III applications and 117 extension affidavits through FBI Headquarters during 1984. The commitment of Bureau resources to investigations utilizing the Title III electronic surveillance technique is significant. The OCDE Task Force Program has assisted greatly in these investigations by providing Special Agents from other participating agencies to assist in the various stages of these complex investigations. In so doing, the Task Forces have helped to keep any given investigative agency from being overwhelmed by a single major investigation.

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* Based on direct agent work years.

The FBI has long been interested in just those types of investigations enumerated in the *OCDE Task Force Guidelines*. The FBI has stressed the commitment of its resources to cases against narcotics trafficking groups made up of traditional organized criminal groups, La Cosa Nostra and the Sicilian "Mafia," and nontraditional criminal organizations such as the Hells Angels, Outlaws, and Pagans Motorcycle Gangs, prison-spawned gangs, and ethnic-based groups. In addition to those groups, the FBI has stressed the need to investigate international narcotics trafficking cartels. Similar emphasis has also been placed on financial flow investigations and money laundering operations.

A problem that, unfortunately, often follows in the wake of narcotics trafficking and which has proved susceptible to the Task Force approach, is the corruption of public officials. For years, the FBI has investigated corruption cases which have reached all levels of government. Obtaining concurrent drug investigative jurisdiction with DEA in 1982 increased the FBI's involvement in that area of corruption which has long plagued all countries of the world where narcotics trafficking flourishes. The vast sums of money available to narcotics traffickers increase the possibility that corruption of public officials will occur. The FBI stresses that its agents always be alert to the possibility of corruption of public officials. The focus of the OCDE Task Force trafficking groups reinforces and parallels the FBI's traditional investigative philosophy, facilitating the participation of the FBI's Task Force investigative activities.

The Coordinators have expressed the opinion that many of the successful investigations would not have developed in magnitude, as they did, without the spirit of cooperation among the various participating agencies.

The FBI stresses long-term conspiracy investigations, utilizing a wide variety of sophisticated investigative techniques, including Title III electronic surveillance, consensual monitoring, undercover operations, and financial flow investigations. For these reasons, the FBI views itself as being an active and integral part of the OCDE Task Force Program, and looks forward to continuing its major role in this vital Program.

In an effort to broaden its knowledge and intelligence base, the FBI undertook a study of Oriental organized crime groups and their impact on the crime problem in the United States. The results of this recently completed study indicate the importance of developing prosecutive cases against these groups, which *are* involved in narcotics trafficking in this country. Through the OCDE Task Force Program, the FBI hopes to focus investigative attention on these groups in 1985.

The FBI Special Agents in Charge (SACs) in all 59 FBI field divisions have shown their support and commitment to the OCDE Task Force Program by dedicating resources over and above those budgetarily allocated to Task Force cases.

The FBI continued its support of training related to the OCDE Task Force Program during the second year. The FBI Task Force Coordinators sponsored training programs for FBI personnel assigned to the OCDE Task Force Program and also sponsored training programs for all Task Force participants. FBI personnel from Headquarters, the FBI Academy at Quantico, Virginia, and from various FBI field offices participated in these programs. One example of the training provided by the FBI is the money laundering financial flow seminars held in 10 of the OCDE Task Force Program regions during 1984. The FBI strongly encourages its Task Force Coordinators to support training programs in their region and looks forward to being a participant in training programs that will increase the proficiency of all agent personnel assigned to the Task Force Program.

In an effort to stress the role and responsibility of the FBI in the OCDE Task Force Program, the FBI continued its policy of regular meetings between Headquarters personnel and the FBI Core City Coordinators. These meetings have been mutually beneficial. The Coordinators have stressed the very positive developments which have occurred as a result of the OCDE Task Force Program. They fully understand what is expected of them in their role.

The Coordinators believe that relationships with other participating Federal law enforcement agencies, along with State and local law enforcement agencies, have been strengthened. They report that the successes achieved by the OCDE Task Force Program have been attributable, in part, to the high experience level and professional attitude of the various agency Coordinators assigned at the core city level. The increased commitment of attorney resources to the OCDE Task Force Program has assisted in decreasing the time it has taken to process Title III orders, to return indictments, and to proceed with civil and criminal forfeitures. The Coordinators have expressed the opinion that many of the successful investigations would not have developed in magnitude, as they did, without the spirit of cooperation among the various participating agencies.

The FBI Special Agents in Charge (SACs) in all 59 FBI field divisions have shown their support and commitment to the OCDE Task Force Program by dedicating resources over and above those budgetarily allocated to Task Force cases. The core city SACs have consistently supported the aims and goals of the OCDE Task Force Program and have ensured that the Coordinators have been given the support they have needed to carry out their responsibilities. This commitment of resources in excess of those allocated has, of course, had an impact on other investigative responsibilities of the FBI. This commitment is proof of recognition of the importance of the Program.

During the course of any multiagency or multijurisdictional investigation, differences in investigative philosophy occur. The experiences gained during the second year of the OCDE Task Force Program have shown that these differences can be resolved. The FBI believes that the coming year will be one in which the participating agencies will gain an even greater understanding of each other's investigative philosophy.

The past year has been a growth experience for the FBI in narcotics investigations. With greater experience in narcotics investigations, the FBI has continued to press its attack against organized crime groups and has begun to investigate high level international narcotics traffickers and money launderers. The widespread utilization of the Title III electronic surveillance technique, stimulated by the undercover technique, has allowed the FBI and other participating agencies to reach high levels of international narcotics trafficking groups. The Bureau looks forward to continuing its role in the OCDE Task Force Program and expects to have an even greater impact on organized crime and narcotics trafficking groups in the coming year.

Internal Revenue Service

Since President Reagan announced the formation of the OCDE Task Force Program, through its Criminal Investigation Division, the IRS has been an active participant. In addition to the investigation of narcotics traffickers' violations of the income tax laws under Title 26, the Criminal Investigation Division has been actively involved in the investigation of money laundering operations under Title 31 and conspiracy under Title 18.

With the expedited review process, the elapsed time from completion of the investigative stage to indictment on IRS Task Force cases is half that of other IRS cases.

IRS agents have been recognized in the Task Forces as financial experts. One reason for this recognition is the Service's unique ability to identify the "professionals" in our society who profit from involvement in narcotics trafficking. This classification includes lawyers who finance traffickers' organizations and, in many instances, help launder the illicit narcotics money. It also includes the accountants who keep the books and may help disguise the source of narcotics proceeds. It includes doctors, engineers, stockbrokers, and wealthy businessmen who have helped finance loads of narcotics and who are the silent partners in the drug business. In the past, this class of criminals has rarely been prosecuted and has seldom been identified. Historically these individuals were not often targeted by drug law enforcement agencies because there was no firm informational or evidentiary link between them and narcotics. The only viable means of attack against this class of criminal is through financial investigations, where the paper trail of money earned from the sale of narcotics is tracked to its ultimate beneficiaries.

At the inception of the OCDE Task Force Program, the IRS took immediate steps to overcome certain obstacles which had hampered its meaningful participation in multiagency investigations in the past. IRS procedures relating to grand juries and tax prosecutions were lengthy and cumbersome. Agreements were reached between the IRS and Department of Justice on new authorization and review procedures for criminal tax grand jury investigations conducted under the OCDE Task Force Program. In addition, the Department of Justice's Tax Division appointed a liaison attorney for each of the Task Forces. These attorneys are responsible for monitoring and reviewing all cases and grand jury requests in their respective regional Task Forces.

As a result of these initiatives, the IRS has become a more effective partner in Task Force investigations. Because of the streamlined grand jury request procedures, IRS agents are now able to participate in the developmental stages of investigations and, while certain legal limits are still in force, they can cooperate and share information with other Task Force agencies. With the expedited review process, the elapsed time from completion of the investigative stage to indictment on IRS Task Force cases is half that of other IRS cases.

In comparing IRS FY 1984 Task Force cases with non-Task Force cases, it is evident that the Task Force cases have a higher success rate, are completed in a shorter period of time, and result in longer sentences and higher fines.

The commitment of the Internal Revenue Service to the OCDE Task Force Program is the largest of any of the Treasury agencies. The IRS is providing 18 percent of the Task Force investigators and at year's end had participated in 66 percent of Task Force cases. Although allocated funds for 185 Task Force investigators, the IRS contributed 321 staff years to Task Force investigations during FY 1984.

The Service's demonstrated financial investigative expertise, its clearly defined, nonoverlapping statutory authority and its success in streamlining its procedures for tax grand jury requests and case reviews have encouraged other agencies within the OCDE Task Force Program to place their trust in capabilities of the IRS. Both prosecutors and investigative agencies are now much more willing to entertain tax charges associated with the basic drug charges in Task Force cases. It has become increasingly clear that by combining the expertise of the other agencies with the expertise of the IRS agents, evidence of the source of funds (narcotics activities) can be coupled with evidence of the expenditure of funds (income tax consequences) to improve the Government's chance for successful prosecution.

IRS National Office personnel participate with a team of Department of Justice prosecutors who travel throughout the country sharing their technical expertise in such areas as forfeitures, financial search warrants, multiagency grand juries, and financial investigative units of the Task Forces. A very successful seminar for IRS Task Force Coordinators and management officials was held at the El Paso Intelligence Center in April of 1984. The seminar included an orientation on the activities conducted at the center and briefings by the heads of various analysis sections. In addition to other presentations, there were training sessions on the use of link analysis in large-scale narcotics investigations, the use and application of Klein Conspiracy in Task Force cases, and the organizational approach to conducting drug trafficking investigations.

IRS Task Force Coordinators continue to make presentations and conduct training sessions at the local level. For example, the Mid-Atlantic Task Force Coordinator is currently participating with the DEA Financial Task Force Unit in a program initiated by DEA to train uniformed police officers to recognize the type of financial leads frequently associated with drug dealings.

In comparing IRS FY 1984 Task Force cases with non-Task Force cases, it is evident that the Task Force cases have a higher success rate, are completed in a shorter period of time, and result in longer sentences and higher fines. It is equally clear that many of the successful prosecutions accomplished by the IRS would not have been possible without the full cooperation and expertise of the DEA, FBI, Customs, ATF, and the other Federal and local law enforcement agencies assigned to the OCDE Task Force Program. The IRS is proud to be part of the Task Force team.

U.S. Customs Service

Through the Financial Investigations Division of the Office of Investigations, the U.S. Customs Service has developed strategies, programs, and systems for the enforcement of the Bank Secrecy Act.

. . . the OCDE Task Forces have been able to utilize the Treasury Financial Law Enforcement Center (TFLEC) to substantially enhance their investigative resources.

Involvement with the OCDE Task Force Program has enhanced the U.S. Customs Service's ability to utilize the provisions of the Bank Secrecy Act to conduct financial investigations resulting in the arrests of the violators and forfeiture of their assets. In turn, the OCDE Task Forces have been able to utilize the Treasury Financial Law Enforcement Center (TFLEC) to substantially enhance their investigative resources.

The Treasury Department established TFLEC at the U.S. Customs Service Headquarters as a centralized repository for financial information generated under the provisions of the Bank Secrecy Act.

The Bank Secrecy Act has provided law enforcement with a valuable tool in the form of three reports: the Currency Transaction Report (Internal Revenue Service Form 4789), which is commonly referred to as a CTR; Report of International Transportation of Currency or Monetary Instruments (Customs Form 4790), which is commonly referred to as a CMIR; and Report of Foreign Bank and Financial Accounts (Department of Treasury Form No. 90-22.1), which is commonly referred to as an FBA. The strategy and logic of Congress in enacting the Bank Secrecy Act, and of the Treasury Department in establishing TFLEC within the U.S. Custom Service, was to create a mechanism to provide information on and to examine the characteristics of currency flow suspected of being related to narcotics and other white collar crime and to provide an audit trail for suspect transactions.

TFLEC utilizes the three reports by using criminal investigators, analysts, and automatic data processing equipment to assemble information from the three forms and from other intelligence sources into intelligence reports, currency flow charts, and link analyses. These are provided to the OCDE Task Force Program at various locations for investigative action.

TFLEC also maintains reference materials on legal decisions, legislative initiatives, Bank Secrecy Act information, and organized crime cash flow.

The OCDE Task Forces, working closely with the U.S. Customs Service, are able to utilize the TFLEC material to assist in obtaining subpoenas and grand jury action for the purpose of identifying, locating, and seizing the assets of the criminal organizations, while at the same time indicting, prosecuting, and obtaining convictions of and jail sentences for their principals and major members.

The drug trade, primarily a cash and carry business, generates large volumes of currency; this currency must be recycled in some way through the international banking system. The sheer bulk of the currency involved, usually in small bills, makes it impractical to process it through any system other than the organized banking system.

When currency is recycled through U.S. banks, the transactions involved should cause the banks to file the prescribed currency transaction reports. Thus the U.S. Customs Service can provide Task Force investigators with a documented audit trail of the funds. In addition, cash flow analysis of the transactions will often provide investigators with a relatively simple trail through the infrastructure of the organizations. This will help in identifying those principals and members of the group who tend to keep their distance from the contraband, and who are extremely difficult to identify through traditional methods. Thus investigators are provided with targets on whom to focus their investigative resources.

The effectiveness of the U.S. Customs Service's participation in the OCDE Task Force Program can be measured by evaluating various indicators including number of targets provided to the Task Forces by TFLEC, increased awareness and cooperation by outside entities such as banks and financial institutions, increased number of requests for TFLEC information or assistance, reaction of law enforcement officers and U.S. Attorneys to TFLEC-generated information, successes of the Task Forces as shown by arrest, seizure, and forfeiture, jeopardy assessment, penalties, and bond forfeiture statistics, increased number of Task Forces conducting major financial investigations using Customs-generated information, and increased perception of the U.S. Customs Service's involvement, expertise, and successes in financial investigations.

In FY 1984, Customs participation in the OCDE Task Force Program resulted in 727 arrests, 860 indictments, 276 convictions, and the seizure of $16.2 million in currency/monetary instruments, and $17.5 million in property.

The U.S. Customs Service will continue to participate in the OCDE Task Force Program. Utilization of this multiagency investigative approach promotes full and effective cooperation among Federal, State, local and foreign law enforcement officials. The Program, designed to target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in major multiagency drug trafficking enterprises, provides a coherent framework in which the U.S. Customs Service can efficiently pursue its goals of (1) identifying unusually high flows of currency, (2) frustrating organized crime's use of legitimate financial channels to launder money, (3) destroying the financial base and infrastructure of criminal enterprises, and (4) disrupting the movement of narcotics into the United States.

Bureau of Alcohol, Tobacco and Firearms

Over the past several years, officials responsible for the enforcement of drug laws at all levels have witnessed a universal and alarming trend: increasing numbers of drug violators are using firearms and explosives in furtherance of their il

> ***The machinegun is fast becoming the preferred weapon of violators seeking to protect the huge profits available to the illegal drug traffickers. Firearms of all varieties are now used by dealers to protect their "territory" or to attempt to take over the territory of a rival drug trafficker or trafficking organization.***

legal enterprises. The machinegun is fast becoming the preferred weapon of violators seeking to protect the huge profits available to the illegal drug traffickers. Firearms of all varieties are now used by dealers to protect their "territory" or to attempt to take over the territory of a rival drug trafficker or trafficking organization.

> ***ATF's jurisdiction and its investigative expertise make it a well-suited partner to other OCDE Task Force program agencies involved in the ongoing war against illegal drugs.***

Aside from the damage traffickers do one another and the perils to bystanders, this violence makes enforcement of the drug laws more hazardous. Paradoxically, it also has one advantage for drug law enforcement. The use of firearms and explosives by drug traffickers produces violations that are sometimes provable when drug charges are not. The agency responsible for enforcement of the Federal firearms, explosives, and arson laws is the Bureau of Alcohol, Tobacco and Firearms (ATF). Because of the proclivity to violent use of firearms and explosives exhibited by drug violators, ATF special agents pursuing firearms and explosives violations come into frequent contact with drug violators. ATF's jurisdiction and its investigative expertise make it a well-suited partner to other OCDE Task Force Program agencies involved in the ongoing war against illegal drugs.

The Bureau of Alcohol, Tobacco and Firearms' involvement in the OCDE Task Force Program is one of the most effective means by which it contributes to overall drug law enforcement efforts. The number of ATF special agents committed to the program is small when compared to some of the other agencies involved, with funding to support only 80 personnel positions prior to the establishment of the Florida/Caribbean Task Force. As the Program progressed, it became apparent that ATF would not be able to fulfill its role in this important endeavor by utilizing only the allocated Task Force positions. The decision was made to respond to OCDE Task Force Program investigative needs on a priority basis, as existing resources permitted. Operating under those expanded guidelines, ATF exceeded the 80 budgeted positions by 40, for a total of 120 staff-years in 1984.

In the OCDE Task Force Program, ATF special agents focus their investigative efforts on major drug traffickers who also violate laws enforced by ATF. Because of their consistent reputation for using guns and explosives, special emphasis has been placed on identifying outlaw motorcycle gangs trafficking in drugs as targets of OCDE Task Force investigations.

ATF is firm in its commitment to the OCDE Task Force Program; however, it cannot supply agents where there is no indication that the laws they enforce are being violated. Nevertheless, through the ATF Task Force coordinators ATF monitors all investigations, in order to be prepared when an oppportunity arises. Frequently, firearms or explosives violations surface as an investigation unfolds, and the potential for utilizing the firearms and explosives laws as tools arises. In those Task Force regions where ATF maintains liaison in all investigations, ATF has greatly enhanced Task Force effectiveness.

The OCDE Task Force Program has been extremely successful and ATF has played an integral role in that success. Of the 832 indictments returned in Task Force cases through October 3, 1984, 144 involved ATF violations. Up to that date ATF agents had seized 1,171 firearms in OCDE Task Force Program investigations.

Effectiveness in combating crime increases significantly when agencies combine resources with singleness of purpose. Indeed, the many successes of the OCDE Task Force Program can be attributed to the strengths of each participating agency, joined in the spirit of teamwork and cooperation. The Task Force approach is designed to succeed; the objective is clear, the level of agency commitment is established, and the means of attack are all-encompassing.

U.S. Marshals Service

The U.S. Marshals Service continues for a second year to support the activities of the OCDE Task Force Program.

The Service provides a criminal investigator on site at each OCDE Task Force location as a liaison and coordinator between the OCDE Task Force and the Marshals Service. These coordinators also devote much of their time as fully participating members of Task Force investigative teams. Based solely on these 13 full-time participants, it may appear that the contribution of the Marshals Service is comparatively small. The Marshals Service as a whole, however, is closely associated with Task Force efforts. The Marshal Coordinators have the capabilities of the entire Service to draw upon.

In 1984, the Marshals Service was required to increase drastically the level of its support as OCDE Task Force Program first-year investigations successfully brought major felons to trial. The Service has accomplished this increase in several ways.

> ***. . . in 1984, 20 percent of all the international extraditions conducted by the Marshals Service were in response to Task Force requests.***

First, many OCDE Task Force cases brought to trial in 1984 were high in risk, dangerous, and expensive. These trials often involved several defendants with a propensity and capacity for violence and disruption of the judicial process. The Marshals Service is tasked to preserve the security and integrity of these important judicial proceedings. Last year, in support of Task Force prosecutions, the Marshals Service was able to thwart actual attempts at jury tampering, assaults on Federal prosecutors, elaborate and expensive escapes, and civil disruption in the courtroom.

During 1984, 44 individuals sponsored by the Task Force Program were authorized protection under the Marshals Service's Witness Security Program. Without this protection for witnesses, the prosecution of violent criminals would be extremely difficult, often impossible. This program is of special significance in the Task Force context because of the levels and types of violence often associated with drug transactions.

Since many Task Force cases target "the fruits of crime," the Marshals Service has developed a centralized program to manage seized and forfeited property. The offices of this program are located, for the most part, in Task Force core cities. The National Asset Seizure and Forfeiture Program (NASAF) focused its efforts on assistance in Task Force forfeiture actions, to absorb the administrative and property management burdens associated with the asset seizures which were handled in the past by Federal investigators and attorneys.

Task Force seizures of real property and businesses tend to be highly publicized and result in complicated problems of management. Although the forfeiture provisions contained in the Comprehensive Crime Control Act of 1984 will not eliminate these special problems, they will add to the role of the Marshals Service in managing such assets.

The Marshals Service has the longest history of any Federal law enforcement agency in the field of fugitive investigations and, during 1984, it has shared its experience-based investigative information and techniques in this field with the Task Forces.

In those instances when fugitives escape the boundaries of the United States, the Marshals Service provides extradition assistance, and its significance to the OCDE Task Force Program is reflected by the fact that in 1984, 20 percent of all the international extraditions conducted by the Marshals Service were in response to Task Force requests. This percentage is on the rise.

The Marshals Service provides a variety of other support. From arraignment of defendants to their case's adjudication the Marshals Service is responsible for their movement to and from courtrooms and between detention facilities. Task Force initiatives and new laws affecting bail have already begun to increase the number of persons held in custody, and the Marshals Service is responding enthusiastically to the increased challenge.

The execution of process is an often overlooked activity of the Marshals Service, however, it is essential to the success of Federal cases being prosecuted by the Task Forces. Subpoenas, summonses and other court orders are being handled daily by the Marshals Service.

Overall, participation as a partner in the Task Force Program has been a challenging and satisfying experience for the U.S. Marshals Service. Each of the mandated activities the Service pursues has found new frontiers of application in the ongoing war on drugs.

U.S. Coast Guard

The Coast Guard has assigned a full-time Agency Coordinator to 11 of the 13 Task Forces; the Coast Guard is not a participant in Chicago or Denver.

Representing a purely interdictive agency in a Program otherwise comprised of investigators places the Coast Guard Task Force Coordinators in a unique position. They have no standard investigative role, per se. As a result, the Coast Guard Coordinators are assigned a variety of responsibilities according to their experience and specialties, melded with the needs of their respective Task Forces.

> ***. . . the Coast Guard Coordinators were the maritime experts for the Task Forces, and provided valuable intelligence and guidance on cases with maritime connections.***

During the second year, all of the Coast Guard Coordinators performed three basic functions. First, they participated in the case selection, analysis, and review process. Second, they acted as a valuable liaison, not only with the Coast Guard itself, but also with the Department of Defense military services, the National Narcotics Border Interdiction System (NNBIS), and the El Paso Intelligence Center (EPIC). Third, the Coast Guard Coordinators were the maritime experts for the Task Forces, and provided valuable intelligence and guidance on cases with maritime connections. In addition to these tasks, the Coast Guard Coordinators have assumed roles according to the background and training of each.

For example, one East Coast Coordinator was involved in case analysis and some field investigative work of maritime cases. He also provided Coast guard sighting and boarding data and, as the Task Force's expert in maritime smuggling, analyzed charts and other documents found on seized vessels. He performed the liaison functions typical of all Coast Guard Coordinators and did some computer programming for the Program as well.

Another Coast Guard Coordinator performed the normal liaison duties with the Coast Guard and military services and coordinated Task Force requests for resources from these forces. He provided maritime expertise to the organization and coordinated intelligence requests with EPIC. Previously the Public Affairs Officer for a Coast Guard district office, he is now the local Task Force Public Affairs Officer.

Two Coast Guard Coordinators are attorneys with previous law enforcement experience. In addition to being the Task Force maritime experts in case investigation and review, they also prepared briefs and prosecuted, having been designated Special Assistant U.S. Attorneys.

Another Coordinator was a policeman before entering the Coast Guard. In addition to his normal liaison duties he was particularly active in coordinating resource requests with the Army and Air National Guards. Due to the extensive coastline in his region there were several requests for Coast Guard assistance by the U.S. Attorneys in non-core cities. The Coast Guard Coordinator established close working relationships with various State and county officials in the region. He also functioned as the Computer Systems Manager for his Task Force.

Two of the Coast Guard Coordinators were Reserve Officers on active duty. Both have experience in Coast Guard intelligence and civilian law enforcement and became deputized U.S. Marshals. They were actively involved in maritime case investigations, performing document searches, chart reconstruction, and vessel lookouts.

The Coast Guard was one of the earliest agencies to have a full-time Coordinator in Southern Florida. This officer has considerable law enforcement experience at various levels in the Coast Guard. With the heavy maritime smuggling activity in Florida and the Caribbean, there is ample casework for which the Coast Guard Coordinator provides critical maritime expertise. The extensive involvement of many Federal law enforcement agencies in the Miami area, and the presence of an active NNBIS center, kept this Coast Guard Coordinator deeply involved in liaison activities and intelligence exchange.

The Coast Guard Coordinator in St. Louis has many years' experience in Coast Guard Intelligence. He acted as liaison with NNBIS centers in Chicago and New Orleans, and with EPIC. He also conceived and implemented the River Intelligence Unit (RIU) as a sub-unit of the Program. This new organization was formed in October 1984 to determine the level of narcotics trafficking and other criminal activities taking place on our vast inland river system. The RIU is headed by the Coast Guard Coordinator, with Customs and DEA representatives assisting.

Constant liaison is maintained between RIU, State and local law enforcement authorities along the rivers, EPIC, and NNBIS located in Chicago and New Orleans in order to create for the Task Force a rapid, reliable, and secure means of exchanging intelligence information. Contact with the river industry (barge companies) will take place as deemed appropriate and necessary. Intelligence to be gathered includes information on narcotics shipment and transfers, identification of persons with maritime connections or employment having a history of drug-related offenses, information on stolen vessels, and suspicious activity on the waterways. The RIU has the potential to become a highly valuable organization in support of the Program's goals.

AUSA Perspectives

> The types of cases handled by Task Force attorneys are much larger than the typical cases found in U.S. Attorneys' Offices, and often involve the use of statutes that are unfamiliar to the courts.*

New resources, in people and dollars, are wedded in a cooperative and comprehensive attack on large and complicated drug trafficking schemes.

The Task Forces' attorneys and the investigative agents recognize a variety of benefits distinctive to the Program. New resources, in people and dollars, are wedded in a cooperative and comprehensive attack on large and complicated drug trafficking schemes. The environment is one characterized by complexity. Investigations are long and intricate and extend to many jurisdictions, often to foreign countries. They focus on criminal activities covered by sections of the criminal code dealing with taxes, currency, racketeering, public corruption, fraud, and other non-drug areas, in addition to narcotics trafficking.

Methods of investigation previously used only sparingly have become the standard for Task Force cases.

The range and nature of the investigative techniques employed to gather the evidence necessary to bring prosecutions to a successful conclusion can be bewildering. The pace of investigations, the extent to which they are conducted overtly or covertly, and the conflicts inherent in pursuing multifaceted investigations make for scenarios fraught with legal and technical difficulties. It is imperative, throughout the investigation, to ensure that the evidence obtained is conclusive and admissible in court.

The prosecutions must be of such quality as to overcome the challenges of some of the best, and best-paid, defense counsel. Litigation must be expert, followed by expert post-trial counsel dealing with both sentencing and appeals.

What has been the impact of the OCDE Task Force Program on the role of the attorneys engaged in these demanding tasks?

> The Task Force investigations generally represent a higher level of drug cases than previously prosecuted in the region. The selection of major targets has required a reevaluation of the threshold amounts of drugs and money that previously caused a matter to be regarded as a significant case. In the process, the magnitude of the problem has become apparent, as what was once considered a major bust is no longer, and persons previously regarded as substantial dealers are now conceived as witnesses.

> Methods of investigation previously used only sparingly have become the standard for Task Force cases. Electronic surveillance is used more extensively now than at any time in the past. The granting of use immunity and the compulsion of testimony, also used infrequently before, are commonplace, as are lengthy grand jury and financial investigations.

First, the OCDE Task Force Program affords attorneys the time they need to participate in the development of investigative strategy, and to provide the necessary legal services and counsel that the investigators require. They are not expected to rush cases to completion, but to move deliberately toward successful and comprehensive conclusions. And while Task Force attorneys carry a caseload of fewer cases, their cases are more intricate and long-lasting than those of their non-Task Force counterparts.

In addition, Task Force attorneys tend to remain in the Task Force, becoming highly qualified specialists in the course of their exposure. Old-line investigators lamented that they had been obliged to "train" the AUSAs assigned to provide legal counsel during investigations. All too often the Government had looked to enthusiastic and energetic, but nonetheless inexperienced, AUSAs for legal consultation during preindictment investigation. The development of a core of Task Force attorneys, now devoting themselves to these tasks over a period of two years, has radically altered and improved this situation.

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* Quotations in this section are from year-end reports by AUSA Task Force coordinators.

Exacting legal strictures bound the use of Title III wiretaps and similar eavesdropping techniques, and the mounting of undercover operations. These activities are especially time-consuming for investigators and attorneys alike in that they, along with search and arrest warrants, require extensive amounts of legal paperwork. A wiretap, for example, requires a detailed application for initial approval and repeated affidavits for renewal. The preparation of the necessary documents has become a virtual art form. The AUSAs report that they have developed a great deal of new and valuable expertise in these exacting tasks, growing out of their Task Force experience. The result is a corps of attorneys who are vastly more efficient at these tasks, a significant development in an area where maintaining investigative momentum is crucial.

> A major accomplishment of the OCDETF in this district has been the development of a group of prosecutors who are skilled in handling complex Federal narcotic and financial investigations. Before the creation of the Task Force Program, narcotics cases were assigned within the U.S. Attorney's Office on a rotating basis. There are now four Assistant U.S. Attorneys, two OCDETF and two non-OCDETF, who handle strictly narcotics cases. This has resulted in the increased use of search warrants, longer range Grand Jury investigations, and the development of a coordinated narcotics intelligence base.

Another feature cited by attorneys is their growth into "experts" in matters relating to narcotics dealing. These attorneys are now recognized by some courts for their acumen in interpreting the narcotics environment when applying for warrants for wiretaps or searches. They can authoritatively indicate the probability of finding narcotics ledgers or financial books and records which will show the fruits of drug trafficking, even in locations where drugs themselves are not likely to be found. Similarly, with experience, they can decode drug dealers' cryptic conversations in support of applications for extensions of ongoing court-authorized wiretaps or for new, supplementary wiretaps. The development of such expertise in the offices of the U.S. Attorneys is recent, and is primarily attributable to the OCDE Task Force Program.

Chapter Three of this Report deals with the "kingpin" statutes—CCE and RICO—noting the stringent requirements for conviction under those statutes. Those are but two of the many intricate and delicate statutes with which these attorneys must increasingly deal. Their ability to do so grows with experience, individually and collectively, as the Task Force AUSA's "network" shares its expanding expertise.

A major investigative technique in Task Force cases has been the use of a grand jury to obtain testimony and evidence. Again, the attorneys in the Task Force have the *time* required for extensive use of the investigative grand jury. Increasingly, these grand juries are moving to compel the testimony of hostile (or neutral) witnesses such as defense attorneys, in the development of major narcotics cases.

. . . prosecutors are increasingly poised and self-confident in dealing with laws of a complexity that many defense attorneys have not mastered.

However, all significant drug dealers amass large amounts of money and are able to afford excellent counsel. Consequently, defense attorneys who are assured of substantial fees enthusiastically pursue all legal avenues, including extensive pretrial motions of all sorts that are intended to change the course of the prosecution, to avoid it altogether, or simply to wear down the prosecution team. Teams of defense lawyers move into court with literally hundreds of pretrial motions. To deal successfully with such massive resistance, the AUSAs must have both special skills and resources. They have developed the skills, largely because the Program affords them the resources.

> After his arrest, Rosario Gambino moved to adjourn his trial indefinitely on the purported grounds that a medical (psychiatric and/or neurological) problem rendered him incompetent to communicate effectively with his lawyers, assist in his defense and stand trial. Fortunately, because of the extensive surveillances before Gambino's arrest made

> possible through OCDETF resources, the Government was able to demonstrate in detail just how normally he had been functioning. The OCDETF resources also permitted the commitment of extensive AUSA time to confer with the psychiatrist who would be the Government's witness and prepare to cross-examine the two defense psychiatrists and psychologists. In a scathing opinion, District Court Judge Lacey found that 34 Rosario Gambino's post-arrest behavior, upon which the doctors retained by him had based their opinion, constituted malingering and the motion was denied.
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> By contrast, in 1979 Gambino had been prosecuted in the Eastern District of New York on charges resulting from what the Government alleged was his role in the importation of six kilograms of heroin at JFK Airport. Thereafter, Gambino moved to delay his trial on the grounds that he had a precancerous polyp in his throat, which prevented him from communicating with his lawyer and preparing for trial. Largely because of the delay, the multidefendant case was fragmented into separate trials of three groups of defendants, which depleted the Government's resources and was very taxing for the witnesses called by the Government. Indeed, because of a number of hung juries, six trials resulted, and Rosario Gambino was ultimately acquitted. Gambino's polyp never became cancerous, his defense was conducted with undue impediment—and, as the New Jersey verdicts show, he was not so disabled that he was prevented from thereafter conducting his heroin business.
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>> It was probably the concerted effort against Gambino which was brought to bear through the OCDETF Program which tended to equalize the Government's resources with those of Gambino, and turned the tide.

At trial, too, drug dealers usually enjoy representation by the most able lawyers. In many cities, the attorney corps includes highly skilled lawyers who have specialized in narcotics cases. Their success has been partly due to the fact that they were in competition with relatively inexperienced prosecutors. As Task Force attorneys move into their third year, that imbalance is being redressed. The prosecutors are increasingly poised and self-confident in dealing with laws of a complexity that many defense attorneys have not mastered.

The post-trial actions of a prosecutor involve sentencing and, often, appeals. The prosecutor's presentation of pertinent information for the consideration of a sentencing judge can affect the sentence imposed. The Task Force Program has carefully institutionalized the collection of pertinent information about defendants, and presents the most significant of these materials to the judge before sentencing. The result has been a general trend toward stiffer sentences for drug dealers in Task Force cases.

> Because OCDETF AUSAs recognize that the sentencing stage is critical at least to specific deterrence of the particular defendant from committing further crimes, in this region we have been involving ourselves more deeply in the sentencing process by filing detailed sentencing memoranda in major cases.
>
> While these efforts to focus on sentencing have not always been as successful as the Government would have wished, it seems clear that the effort nearly always has some impact and often is highly significant. For example, in sentencing Jairo Muriel, a "right-hand man" to one of the key defendants in *United States* vs. Escobar et al., Judge Morris E. Lasker observed to the defendant that:
>
>> "In this case, as you know, the Government has fought you very hard. The Government has submitted to me a presentence memorandum relating to every defendant in this case. It is a very long document, which you may have seen, and in the early stages of my consideration of this case, I was inclined to resent the fact that the Government had pressed me as an individual judge so hard in the determination of what the sentence would be here, and I was irritated this morning when the U.S. Attorney's office presented me with further material and wondered why

> (the Lead OCDETF AUSA in the District) would participate and make a statement.
>
> However, as time has gone by, I have become persuaded that in the unusual circumstances of the cocaine scourge of this country which emanates today at least primarily from your country of Colombia, and which is wreaking havoc on thousands, if not millions, of people in this country, and in your own country in different ways, that it is proper for the Executive Branch of the Government to bring to the attention of the court how strongly the Executive Branch feels about this and what the ramifications and results of this pernicious cocaine traffic are.

Thereafter, Judge Lasker sentenced Murad to the fifteen year prison sentence which the Government had recommended.

It is still too early in the life of the Task Force Program to determine what kind of appeals rates are being generated. A preliminary and very limited analysis shows consistently high rates of appeals for major sentences (five years or more) growing out of trial convictions. Essentially anyone convicted at trial who can afford it appeals on the grounds of "What is there to lose?" There is still insufficient data to measure the success rate of those appeals.

Yet another area of attorney expertise being brought into play relates to forfeitures. As Task Forces have assigned attorneys as referents for this field, the level of expertise has risen among AUSAs as a group. Provisions for forfeitures are increasingly being utilized, and the cases themselves are being designed from the outset with forfeitures in mind.

The increasing load of cases, however, is taking a toll, as are the very intensity and complexity of the cases themselves. Increasingly, attorneys and their supervisors are looking at the problems of stress and burnout, as appeals add to the burden of investigation and prosecution. A few new attorney positions are anticipated in the coming year, and the newcomers will be welcomed into the network by their senior colleagues. Investigators, in the second year of the Task Force Program, are complaining that the attorney availability and "grand jury time" that helped them make big cases is now slipping away due to volume.

> It must be noted that the attorneys in the region are becoming overburdened with the prosecution (thankfully usually successful during 1984) and now massive appellate work required by the success of the Task Force Program. There is simply not enough time to do the trial and appellate work, and at the same time, continue to fill the crucial role as advisor to the agencies conducting ongoing narcotics and currency investigations. More attorneys and support staff are without a doubt the greatest current needs for continuing our successes in jailing narcotics kingpins and forfeiting their assets to the United States.

The Big Payoff

In November 1983, New York DEA Agents and New York State Police Officers arrested Roberto Carvajal and 21 other defendants in a "reverse" marijuana investigation in which undercover agents of the Austin, Texas, Resident Office received a $1,000,000 advance payment for 30,000 pounds of marijuana. Two additional defendants were arrested in Austin. Investigative seizures shortly after the arrests amounted to approximately $650,000 in cash, jewelry, vehicles, and real estate.

Subsequently it was learned that the FBI's Chicago Field Office was also investigating the illegal financial activities of one of the main defendants arrested in this case, Herbert Martin Kornblau. His name had been submitted as a lead target in a Chicago Customs/FBI OCDE Task Force case nomination.

The lead defendants in the New York case, Carvajal, Kornblau, and Sheldon Pett, generated a high level of interest by several government agencies. As a result, DEA arranged a meeting in December 1983 to coordinate and exchange information at the U.S. Attorney's Office for the Southern District of New York. It was determined during the meeting that the cases should be combined as an OCDE Task Force case and that it be developed with the intent to seek indictments against the major violators under the Continuing Criminal Enterprise statute.

On February 1, 1984, Carvajal, out on bond, and his female co-defendant, Elizabeth Perez, were victims of a double homicide in Miami, Florida. Each was killed with one gunshot through the eye.

Investigation by the DEA located two "stash" houses, one in New York and a second in Lancaster, Pennsylvania. Further investigations in New York and Miami identified additional properties owned by the defendants including two discos, three residences, boats, a shipping center, an apartment complex, and development property in the Florida Keys, collectively valued at over $15,000,000.

Total asset seizures to date are in excess of $5,000,000. Of the 22 individuals indicted by a Federal grand jury in the Southern District of New York, 17 have pled guilty, three are awaiting trial, and, of course, two were murdered.

Investigative and Prosecutorial Techniques

3

The OCDE Task Force Program can lay claim to no new inventions in the fields of investigative and prosecutorial techniques. It can, however, be justifiably proud of its creative utilization of existing tools.

This chapter begins with an examination of various law enforcement combinations which have been effected under the Task Force Program banner and the benefits of the synergies thus created. Interagency, interjurisdictional, and international cooperative efforts are all explored.

The breadth and depth of expertise available to the cooperating forces permits them to pursue prosecutions under the "kingpin" statutes to an extent never before achieved. These statutes, which impose heavy penalties on major traffickers, are discussed in their context as weapons in the Task Force Program's arsenal. The combination of diverse resources has made possible the effective use by the Task Forces of a number of demanding investigative techniques. The Task Forces' use of undercover operations, electronic surveillance, and financial investigations is detailed below.

This chapter concludes with a review of the Task Forces' utilization of the Witness Security Program, which enabled the maximum exploitation of witnesses whose cooperation might otherwise have been lost.

Combining Forces Against Drug Crime

Those who know the OCDE Task Forces best, the 13 Coordination Groups and the core city U.S. Attorneys who review their work, seem to agree that certain elements of the system's design are responsible for the successes so far achieved. Most of these elements are dictated by the original *Guidelines*: establish a decentralized management model, seek high-level targets of investigation, promote coordination between Federal agencies and between Task Force districts and regions, increase integration of Federal, State, and local drug investigations, and emphasize financial and tax investigations.

As Task Force operations grow and develop, certain other organizational, investigative, and prosecutorial techniques have emerged as particularly adaptable and effective in the high-profile, multiagency environment: wiretaps authorized under Title III work best in a Task Force due to their short-term, high-intensity personnel requirements; international cooperation and investigative coordination in narcotics law enforcement reached unprecedented levels in 1984; agents cite greater access to investigative grand juries as an important Task Force advantage; the seldom-used, 15-year-old "kingpin" statutes, RICO and CCE, have found their home in Task Force operations; and the undercover technique is enhanced by the combined personnel environment and by greater availability of cash for "flashing" or for wholesale drug purchases.

The Team Approach

The Task Force Coordination Group, composed of an AUSA and seasoned investigative supervisors from participating Federal, State, and local agencies, is central to the operation of each of the 13 Task Forces. It is by decision of this committee that cases throughout the region are selected, it is in response to their judgment that investigative and prosecutorial assets are allocated among cases, and it is through their activities that interagency, interdistrict, and interregional cooperation is obtained and coordinated. Assuring full cooperation among Federal agencies may seem by contrast to be their simplest task, but this is not always true.

> The investigating agencies are presently concerned about the numerical count of achievements. The Task Force role must be reiterated to explain that quality defendants, not merely a numerical count, are the goal. Through OCDE Task Force activity, the fact has

> surfaced that the narcotics problem is even graver than predicted. A single investigative agency with limited resources, its goals geared to a numerical count, cannot be expected to combat drug enterprises that have been operating for over a decade. The financial underpinnings of drug organizations are now being explored; we are moving to the root of the problem—money. Any diffusion of Task Force assets continues the last two decades of sporadic drug law enforcement. Task Force cases require long-term investigation and the agencies should support these cases throughout, not merely at time of arrest and search. These comments are not made to criticize any agency as a whole, but to point out that an agency whose method of evaluation does not include the quality of the case, and relies only on numbers of arrests, numbers of indictments, and numbers of guns, pounds, and dollars is set at cross-purposes with the goals of the Task Force Program.
>
> AUSA Coordinator's Report

The Larkin-Fortmann Task Force Case is a perfect example of the successful Task Force approach, that is, destroying an entire organized smuggling and distribution network by taking advantage of the strengths of different agencies, jailing the leaders of the organization, and forfeiting their assets to the United States—thereby paying for the enforcement efforts with the ill-gotten gains of the criminals.

On the other hand, another AUSA Coordinator reports what he calls "the good news."

> Interagency cooperation in the war on drugs is at an all-time high. Intelligence information is shared to an extent unprecedented prior to the creation of the Task Forces. In the first year of operation, information sharing seemed to be grudging at best. During the second operational year, the agents and supervisors knew each other better, trusted each other more, and were happier with the necessity of sharing data concerning high-level drug traffickers. Notable successes in multiagency Task Force cases during 1984 have convinced the agencies that there is indeed a solid self-interest motive for cooperation. Lack of cooperation is now perceived as missing out on opportunities to claim recognition in the big cases which are meriting regional and national attention.

. . . efforts at cooperation result in successful completion of a case that no single agency could have brought to fruition.

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>
> AUSA Coordinator's Report

Presumably, the reports cited above are accurate and might even have come from a single Task Force region reporting on different days. One report neatly summarizes the problems involved in getting aggressive and independent agencies to work together on complex cases using shared resources. The second report, just as succinctly, records the pride of accomplishment these agencies feel when these efforts at cooperation result in successful completion of a case that no single agency could have brought to fruition. The weight of commentary from the Task Forces and parent agencies clearly reflects a steadily growing rapport, both at the intervening levels of management and at the cutting edge—the agents and AUSAs working together in common cause.

The Task Force approach, as set forth in the *Guidelines*, holds that the coordination of covert investigations, the exercise of search and arrest warrants, witness and plea negotiations, and prosecutions will only be successful when implemented consistently and continuously. The conduct of Task Force cases is the *raison d'être* for the Coordination Group conference, held weekly in most Task Forces. At this meeting each case in progress is considered and potential conflicts of strategy, tactics, and timing are ironed out. Each coordinator comes to the conference with complete knowledge of his or her agency's position and plans in each Task Force case. Each leaves prepared to update the SAC and appropriate agency elements on other agencies' immediate plans and on Task Force progress and intentions. The coordination expected of this group is by no means limited by a case's locale. Through their separate agency channels and through Task Force channels, Coordinators will pass on and acquire case information, exchanging it with those who need to know throughout the United States and, at times, beyond.

The Coordination Group decides, as well, who is to conduct liaison with Federal, State, or local entities not represented in the Task Force. Although the (non-core city) districts do most of their own coordinating, the core city Coordinators are available to perform their services throughout their respective Task Force regions. District operations are likely to be as big and complex as core city operations, with strong State and local participation, and equally important targets. Here are two examples of coordination and cooperation in smaller districts:

> The Task Force in Arkansas was implemented with the basic premise that joint investigation was a necessary factor in successful drug prosecutions. In this vein, the Attorney for the Eastern District of Arkansas assembled a committee consisting of the heads of the various federal investigative agencies in this district and included the Director of the Arkansas State Police, the Chiefs of the Little Rock and North Little Rock Police Departments. The Arkansas State Police and the North Little Rock Police Department each assigned one individual to the Drug Task Force on a full-time basis. The Little Rock Police Department has assigned two men to work full-time on the Task Force and three others to work part-time. All these local agents have been deputized as Special Deputy U.S. Marshals and are housed in the Drug Enforcement Administration office.
>
> In the Arkansas Task Force each investigation is conducted under the team unit concept. One agent from each of at least two agencies is assigned to the investigation. The case agents then identify work projects and divide job assignments. The committee case agents receive support through their respective supervisors who make specific job assignments to other Task Force (and non-Task Force) personnel as the situation dictates. In most investigations, the committee of case agents, in conjunction with the AUSA, chooses one agent to be the lead agent on the case. The supervisor in each agency plays an important role in planning the initial investigative strategy. As the case develops into a major investigation, the supervisory agent or the case agent seeks the support of other agencies and the Organized Crime Drug Enforcement Task Force Coordinators. The lead agent is charged with the responsibility of keeping each agency informed of activities in the investigation, to keep the investigation moving, and to report to the Task Force AUSA, who sits in at the meetings of case agents committees.
>
> Lead Task Force Attorney's Report

Coordination on a daily, sometimes hourly, basis occurs among case agents:

> Upon approval of a matter as a Task Force investigation by the Gulf Coast Regional Coordinators and the U.S. Attorney, the agencies involved hold an organizational meeting. This meeting is the most critical and important first step in the entire Task Force case process. It is attended by all agents who will be working on the case and occurs within two or three days of approval.
>
> At this meeting the agents give detailed investigative information, either verbally or by circulation of offense reports. Prior case histories and related investigations and prosecutions are

discussed. Very often the involvement of other districts and regions is discovered at this meeting, which immediately expands both the scope and the opportunities in the case. An investigative framework is established so that the early stages of the investigation will have direction, avoiding a disorganized start. It is important, however, that the framework remain flexible to accommodate future events and opportunities.

Assignments are handed out at this first meeting and centers of expertise and control are established. For example, a Customs agent might receive all phone tolls and take responsibility for making necessary analysis. The IRS agent would receive all bank records and other financial documents, along with analytical responsibility. All drug offense information would be directed to the DEA or FBI agent. By spreading the workload, several Task Force professionals are set in motion, intelligence is shared, a team approach begins to develop, agents from different agencies begin to build the essential element of familiarity with one another from which will flow trust and increased sharing of information, and the involvement of multiple agencies in the circulation of investigative facts brings into play the resources and data bases of all the participating agencies.

In giving assignments at this organizational meeting, State and local indices are checked, since by sheer numbers, State and local authorities are capable of gathering much more detailed information than the Federal agencies. As an investigation proceeds, more and more linkages are discovered and serve to connect seemingly unrelated events. These linkages are frequently produced by State and local law enforcement.

AUSA Coordinator's Report

The direction of a complex multiagency investigation carried out by several skilled Federal and State agents need not be dictated by any one agency. Rather, the direction is dictated by the seasoned judgment and experience of all of the participating agents and supervisors. Normally the agency which first recommended the investigation plays a primary role in its management, but the Task Force draws upon the expertise and capacity of all participants to determine the direction and management of the case. Thus, at the organizational meeting each agency is responsible for contributions to the design of the investigation. As multiple agencies participate in the design, they come to realize that the end product will in fact be their own product.

As an investigation gets underway, the information being discovered is passed among the agencies and a web of linkages begins to develop. As communication proceeds, team spirit begins to develop. Agents from functionally and geographically separated agencies are no longer fighting the battle individually, but find themselves part of a coordinated, ambitious and multi-pronged effort. Task Force agents are not limited to making a case based on one agency's jurisdiction, but rather have the opportunity to use the strongest statutes available to Justice and Treasury agencies. The data base from which information can be obtained and the agencies' ability to develop it are vastly expanded. NADDIS, TECS, OCIS, NCIC, EPIC and State and local information systems are available and readily accessed. The analytical capacities of the participating agencies also become available. [illegible] and PATHFINDER can all be used to enhance the usefulness of the information gathered. More personnel strength is available, and with a broader expertise, particularly in highly technical areas.

With a broader agency base comes a broader array of investigative opportunities. A Treasury undercover operation presented with an opportunity to purchase narcotics can quickly and efficiently follow that lead through the ready arranged introduction of a Task Force DEA agent. A Justice undercover operation which is presented with a money laundering opportunity can immediately avail itself of Treasury expertise. If maritime skills are required, the Coast Guard is readily available. Given the range of talents of the seven Task Force agencies, plus those of State and local and other cooperating Federal agencies, the investigative possibilities are almost limitless.

No single agency had sufficient resources to accomplish this work. It was the Task Force and its focused use of resources in a coordinated strike that led to success in this investigation.

The Coordination Group provides a framework in which to pursue investigations in several parts of the country at the same time. Each Task Force has at least seven points of contact—the Coordinator of each participating agency—with every other Task Force. Through national meetings, each agency's Coordinators have become acquainted with one another. Thus phone calls from one Task Force to another are not between strangers but between persons who view themselves as members of the same national priority program.

As an investigation proceeds toward indictment, considerable contact occurs between the attorneys in the two or more Task Force regions typically involved in the case. Just as investigators from the various agencies in different Task Forces maintain coordination during the investigation, so too the attorneys proceed in a coordinated manner. Through the national Task Force network, attorneys learn whether their indictment may jeopardize undercover work in another part of the country. Exposure of sources of information, protection of undercover operations, flight of main defendants, flight of assets, and the best place to prosecute are among the issues considered prior to the first indictment. Upon indictment the national cooperation continues, from bail hearings to the development of "defendant witnesses" for the use of other Task Forces.

In several cases, AUSAs from one Task Force have been "loaned" to another to pursue a Task Force prosecution, some for several months. Both intra- and inter-regional sharing can go beyond personnel.

> In addition to attorney resources, our region has shared travel funds for the benefit of the entire region. Earlier this year some districts were out of Task Force travel funds while others still had substantial funds. The U.S. Attorneys in our region agreed to shift funds among the districts so that each district could finish out Fiscal Year 1984.
>
> This same sharing and effective use of resources has occurred among the agencies. Several wiretaps have been approved in Task Force cases in this region. In each instance, the sponsoring agency had to rely on resources from other Task Force agencies in order to man the investigation. Absent the Task Force structure, the lending agencies might not have offered manpower to support a wiretap in which they had no investigative interest.
>
> The sharing of resources, both manpower and money, was dramatically demonstrated in the recent *Mon Blanc* investigation. A 900 pound shipment of cocaine was smuggled into the United States, and taken off the streets by a Texas Department of Public Safety prearranged roadblock. This was done so skillfully that the targets of the investigation continued to deal with our undercover agents.
>
> Following the loss of the cocaine, the cartel smuggled 1,200 pounds of marijuana as a test to see if it would get busted. By pooling resources of the Task Force agencies, it was possible to use hidden cameras to guard the marijuana in a warehouse, rather than seizing it. When part of this marijuana was transported illegally, a Sheriff's Office, by prearrangement, seized it. As with the first load, this was done so skillfully that the targets continued to deal with the undercover agents. The cartel then smuggled in another load of cocaine which was seized and the targets were arrested.
>
> No single agency had sufficient resources to accomplish this work. It was the Task Force and its focused use of resources in a coordinated strike that led to success in this investigation.
>
> On a more subtle level, in 1984, we have seen in this region more sharing of information than ever before, more trust than ever before, and a stronger desire to work together. This is not to say that all is in harmony. During 1985 we will continue to work to lower the remaining barriers which separate law enforcement agencies from each other.
>
> AT[illegible] Coordinator's Report

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Another example of multiagency cooperation involved the investigation of an organization composed of an estimated [illegible] persons residing in the San Diego/Tijuana area and actively engaged in the smuggling of marijuana and cocaine into the United States since 1978. The organization was believed to be responsible for distributing monthly controlled substances and drugs with an estimated street value in excess of $10 million.

In June 1984, DEA agents executed five search warrants in this investigation, seizing 1,400 pounds of marijuana and numerous firearms, including semi-automatic rifles which were believed to have been assembled to be smuggled into Mexico. Investigation by the ATF revealed the source of the rifles to be a San Diego pawnshop. Further ATF investigation revealed a myriad of illegal firearms activities between the pawnshop and members of the drug smuggling organization. It was established that a two-way smuggling operation existed, moving drugs into the United States and firearms into Mexico. Through the Southwest Border regional office of the Task Force, this information was coordinated with DEA, IRS, Customs, and local agencies, all of which were working on other aspects of the investigation. This coordination allowed the incorporation into the case of five co-conspirators whose connection to the overall smuggling conspiracy had been previously unknown. One of those five was also implicated in the firearms violations. The additional charges persuaded this defendant to become a witness for the Government. As a witness, the defendant provided accurate, verifiable, and extremely incriminating evidence against numerous other members of the organization, and, in particular, its leader.

Although the level of coordination and cooperation is high, occasionally disputes will arise. A step-by-step procedure for resolution of disputes within the Task Forces is spelled out in the Guidelines. Disputes that could not be settled by implementing the local levels of these procedures have been rare. As Task Force relationships mature, and as joint investigations lead more and more often to convictions, disagreements are increasingly being settled "at home," with effective case development as the only arbiter.

The power of the Task Forces to fight drug crime and their ability ultimately to bring it under control appears to rest squarely on growing cooperation and near-perfect coordination of investigations and prosecutions. As the Guidelines state:

> The Task Force Program's overall goal is to identify, investigate, and prosecute members of high-level drug trafficking enterprises, and to destroy the operations of those organizations. In pursuit of adding new Federal resources for the investigation and prosecution of major drug trafficking organizations and fostering improved interagency coordination and cooperation in the investigation and prosecution of major drug cases.
>
> Among the specific objectives of each Task Force will be . . . to promote a coordinated drug enforcement effort in each Task Force region, and to encourage maximum cooperation among all drug enforcement agencies.

. . . funding and deputation—have resulted in what participants describe as a dramatic increase in joint cooperative efforts of Federal and non-Federal agencies.

State and Local Participation

Just before dawn on November 22, 1983, a Task Force of more than 200 Federal, State, and local law enforcement officers led by Special Agents of the Drug Enforcement Administration conducted simultaneous raids in New Jersey and New York that led to the arrests of more than 30 suspects and the seizure of substantial quantities of cocaine, "speed," and Dilaudid, as well as cash and weapons. The raids concluded the active phase of a five-month investigation into the activities of what amounted to a drug clearinghouse in Newark, New Jersey, operating behind the shield of a purported charity. That phase had included a court-authorized wiretap in the "charity" office and several other locations, physical surveillance leading to vehicle stops and arrests of some members of the drug ring in possession of drugs, and undercover purchases.

Nationwide, almost 700 State and local law enforcement officers took the oath of office as Special Deputy U.S. Marshals during 1984, in order to participate in the Task Forces' cases.

Between December 16, 1983, and April 4, 1984, all but eleven of the defendants either pleaded guilty or were convicted. Two of the kingpins were among those who agreed to cooperate after pleading guilty to RICO and CCE charges. Their testimony led directly to the conviction of ten other defendants.

The probe was directed by the Newark Field Division of DEA, with investigative participation by the Internal Revenue Service, Essex County Prosecutor's Office, Essex County Police, and the Newark Police Department. Additional assistance was afforded by the Middlesex County Narcotics and Organized Crime Task Force, Gloucester County Prosecutor's Office, New Jersey State Police, and a number of other local police departments throughout New Jersey and New York. The ability to prosecute not only for direct drug crimes, but also for widely disparate schemes engaged in by the group, was greatly facilitated by the number and variety of the investigative agencies involved.

AUSA Case Narrative

Increased participation by State and local law enforcement elements has been a major factor in the success of the OCDE Task Force Program in 1984. As a prominent principle of its organizational guidelines, the Program promotes joint involvement of State and local authorities in the investigation, apprehension, and prosecution of major drug traffickers and drug trafficking organizations. To promote this participation, funding is provided to underwrite some of the costs incurred by State and local personnel while they are working on Task Force cases. When appropriate to a case, the deputation of State or local law enforcement personnel as Special Deputy U.S. Marshals is encouraged by the Task Force Program. Both of these Program initiatives—funding and deputation—have resulted in what participants describe as a dramatic increase in joint cooperative efforts of Federal and non-Federal agencies.

Funding

Congress has appropriated funds to reimburse the States and localities for overtime and expenses incurred by their personnel while they are participating in Task Force cases. There are now more than 200 active reimbursement agreements between Task Forces and State, county, or local agencies. These local agencies continue to pay the salaries of their investigators who are working on Task Force cases but are relieved of the costs of overtime, travel, and per diem expenses incurred as a result of their participation.

The Southeast Task Force is one example of a Task Force that has made exceptional strides in bringing State and local forces into its cases. By the end of 1984, 50 cases were under investigation in the Southeast Task Force, with at least one case in each of the 12 Federal districts in that region. Two districts had Task Force investigations underway even though they are among those smaller districts with no allocation of Task Force resources, either attorneys or agents. This region has enlisted significant participation from State and local agencies to assist with its caseload. The Georgia Bureau of Investigation (GBI) assigned a coordinator, a squad commander, and six agents to the Task Force. These agents operate from the Task Force headquarters in Atlanta. More than 50 GBI agents have now worked on Task Force cases in Georgia. The Cobb County Sheriff's Department also has a full-time coordinator assigned permanently to the Task Force.

Local law enforcement personnel have unique and comprehensive insights into drug trafficking in their jurisdiction.

State investigative agencies throughout the region have worked on Task Force cases, including the Office of the Secretary of State of Georgia, the Tennessee Bureau of Investigation, the South Carolina Law Enforcement Division, the North Carolina State Bureau of Investigation, and the Alabama Bureau of Investigation. Local agencies participating in Task Force cases include the Atlanta, Athens, Savannah, Henry County, East Point, and Chattanooga police departments, and the Fulton County Sheriff's Department.

Deputation

Nationwide, almost 700 State and local law enforcement officers took the oath of office as Special Deputy U.S. Marshals during 1984, in order to participate in the Task Forces' cases. Departments entering this partnership provide experienced law enforcement personnel who agree to adhere to the policies and procedures of the sponsoring Federal agency while working on the Task Force case, though they continue to be subject to the established lines of authority of their own organizations. In addition, State and local officers agree to adhere strictly to the requirements of the Federal Rules of Criminal Procedure relating to grand jury secrecy.

> In late October 1983, cooperating Federal and local law enforcement agencies in Indiana submitted for nomination as a Task Force target a registered pharmacist whom the agencies suspected of diverting large quantities of Schedule II Controlled Substances into the drug market in the Indianapolis metropolitan area.
>
> After receiving Task Force approval, the Indianapolis Police Department and the Organized Crime Drug Enforcement Task Force entered into an agreement and five Indianapolis Police Department narcotics detectives were made Special Deputy U. S. Marshals. The Federal and local agencies moved swiftly to agree upon and utilize seven Title III wire intercepts on the pharmacy and the three main distributors of the drugs. Because of the nature and extent of the interagency and Federal and local cooperation, the law enforcement agencies were able to devastate the organization in February 1984, by serving 30 search and seizure warrants upon the members of the organization, at the conclusion of the court authorized wire intercepts. The impact upon the drug market in the metropolitan Indianapolis area was far-reaching. The street price of the pharmaceutical drugs that the organization had been distributing almost tripled and the local methadone clinic experienced a tremendous increase in patient load.
>
> During the grand jury phase of this Task Force case, interagency and Federal and State cooperation continued. This exemplary cooperation resulted in the indictment of 27 individuals, of whom 25 pleaded guilty, one was tried and sentenced to 15 years imprisonment, and one was a fugitive. The major defendant, although not yet sentenced, had agreed to a preindictment plea agreement under which he will receive a term of 20 years and forfeit all proceeds of his illegal activity. Federal agencies, local law enforcement and local prosecutors' offices worked closely to arrive at plea agreements entailing substantial sentences for the defendants.
>
> The results achieved in this case could only be accomplished through cooperative sharing by all participating agencies of the intelligence acquired and evidence obtained during the course of the investigation. The cooperative effort continues with anticipated prosecution of 30 additional defendants at the Federal level and still others in State court.
>
> AUSA Coordinator's Report

Benefits of the Team Approach

The mutual advantages of a Federal/State/local team are numerous. Clearly, the funding for overtime and expenses helps the non-Federal agencies, but there are more significant benefits which they receive as a result of their participation. Full partnership with the Federal law enforcement community provides them with expertise they may be lacking, in an area such as financial investigations. Since Federal jurisdiction is nationwide, deputization enables members of State and local departments to cross geographical jurisdictional lines in the conduct of an investigation. In addition, the non-Federal agencies have seen the payoff of this partnership when major drug traffickers in their areas receive stiff penalties imposed as a consequence of the Federal statutes, which in many instances are more punitive than those of the States.

The assets forfeiture provisions of Federal law now provide an increased incentive to State and local agencies to participate in the OCDE Task Force Program. The Comprehensive Crime Control Act of 1984 makes it possible for non-Federal agencies to receive a share of drug traffickers' assets forfeited as a result of joint investigations.

The Federal Task Force participants have also realized benefits of this Federal/State/local team approach. Local law enforcement personnel have unique and comprehensive insights into drug traf-

For the first time Colombian nationals could be extradited to the United states for narcotics violations.

ficking in their jurisdiction. Their contacts within the community and their networks of informants generate information which in many instances supplies links between seemingly unrelated data.

The extradition of these major narcotics violators represents not only a significant victory in the war on drugs, but it has also set a new standard of cooperative international effort in combating narcotics trafficking . . .

In most cases, Federal drug law enforcement agencies have found it easier to work with the local agencies than to conduct separate investigations, particularly where, as in many jurisdictions, the State or local agency is the "only game in town" — Federal presence being minimal at best. Consequently, the utilization of State and/or local agencies provides the Task Forces with a personnel resource which always enhances, and in many cases makes possible, the conduct of a Task Force investigation. This kind of partnership has resulted in wide participation by State and local law enforcement agencies in Task Force investigations. In 1984 roughly half of the investigations conducted by the Task Forces had active State and local participation.

International Cooperation

> By November of 1983, electronic surveillances determined that the Catalano Faction was importing heroin from other La Cosa Nostra Families in Sicily. The primary supplier was identified as Gaetano Badalamenti of Cinisi, Sicily, the most wanted narcotics fugitive in Italy.
>
> To facilitate an exchange of information, Italian Magistrates and police officials regularly came to the United States. Some of these officers were made special deputy U.S. Marshals and assisted in monitoring and interpreting ongoing Title III installations. FBI, Customs, and DEA agents were sent to Italy, Spain, Switzerland, and Brazil to facilitate the investigations in those countries. Due to this outstanding cooperation, continuous physical surveillances could now be maintained on the New York subjects during their regular visits to Sicily and Western Europe. The American agents would simply get on an airplane with the subject and join with a foreign surveillance team at the intended destination. Moreover, surveillances of interest which were initiated in a foreign country could be continued in the United States by our agents.
>
> In early April 1984, Badalamenti called Alfano over a public telephone which was being monitored and told him to come to Madrid. Again, due to the smooth international relations which had been developed, DEA and FBI agents followed Alfano to Madrid where the Spanish police continued the quick moving surveillance. Two days later Gaetano Badalamenti, his son Vito, and Alfano were arrested in Madrid. Italian police officials who were on the scene positively identified Badalamenti and praised the Americans for engineering the capture of this long-sought international fugitive.

The kind of international cooperation that affects Task Force cases is illustrated dramatically in the foregoing excerpt from a motion by the U.S. Attorney's Office in Manhattan. Task Force efforts to improve cooperation with police and prosecutors from other nations have become possible through funding for travel and by a determination that investigative and prosecutorial efforts should be pursued even beyond our borders.

This agreement is a major breakthrough in the efforts to get Caribbean jurisdictions to provide the United States with access to the records of "offshore" transactions in which major drug smugglers and distributors disguise the links between their assets and their crimes.

Both investigative and prosecutorial elements have benefited from two particular initiatives of the Department of State, working closely with the Department of Justice. The first is a broad new agreement with the Government of Colombia for the extradition of accused narcotics traffickers, the second is an agreement with the Government of the United Kingdom and the Government of the Cayman Islands, providing for access by American law enforcement personnel to certain financial records relating to narcotics trafficking.

Colombian Extradition

In 1982 a new and innovative extradition treaty went into effect between the United States and Colombia. For the first time Colombian nationals could be extradicted to the United States for narcotics violations. However, despite repeated approval of American extradition requests by the Colombian Supreme Court, the Colombian President refused extradition of nationals for reasons having to do with domestic considerations.

On April 30, 1984, after opening a major offensive against narcotics traffickers, the Justice Minister of Colombia was assassinated. At the Minister's funeral, President Belasario Betancur announced that he would henceforth approve the extradition of Colombian nationals to face criminal charges abroad. This reversal of policy opened a tremendous opportunity to breach the sanctuary which many Colombian narcotics kingpins had been enjoying in their country, despite pending prosecutions in the United States.

Recognizing the historic potential of this opportunity for antinarcotics efforts, a sub-Cabinet level working group convened in May 1984 to coordinate U.S. law enforcement and diplomatic efforts. While endorsing enhanced interdiction efforts and the supplying of antinarcotics aircraft and other assistance to Colombia, it was agreed that the focal point of this thrust would be extradition.

Since that time the United States has submitted new requests to Colombia for the extradition of approximately 65 fugitives, many of whom are defendants in OCDE Task Force program cases. As of January 1, 1985, the Colombian Supreme Court had approved the extradition of nine of the detained fugitives and, of this group, President Betancur has approved extradition of six and denied one. Several of the fugitives fled Colombia to Spain after the crackdown and four fugitives are now under arrest, awaiting extradition from Spain.

As of the date of this writing four of the six Colombian extraditions have been completed. The extradition process for those still in custody in Colombia should be completed in 1985. The extradition of these major narcotics violators represents not only a significant victory in the war on drugs, but it has also set a new standard of cooperative international effort in combating narcotics trafficking and has established a valuable precedent, through all of Latin America, in favor of the policy of extraditing nationals.

The Cayman Islands Agreement

On July 26, 1984, the United States and the United Kingdom exchanged diplomatic correspondence establishing an agreement on access to the documentary information, resident in the Cayman Islands, needed in narcotics investigations and proceedings in this country. This agreement is a major breakthrough in the efforts to get Caribbean jurisdictions to provide the United States with access to the records of "offshore" transactions in which major drug smugglers and distributors disguise the links between their assets and their crimes.

. . . the Cayman authorities will obtain a warrant to search for and seize the needed records and deliver them to the United States.

The agreement is the result of seven months of intense negotiation between the Cayman Island Government, the British Government (the Caymans are a British colony), and the U.S. Departments of Justice and State. The United States entered the negotiations to check the growing role played by Cayman Islands' institutions in facilitating banks, law firms, and trust companies in the laundering of profits acquired through drug trafficking. The British were prompted to negotiate by a keen concern that the increasingly successful use by U.S. prosecutors of subpoenas served on the United States branches of international banks and businesses to compel the release of records maintained in bank secrecy jurisdictions abroad tended to undermine Cayman Islands bank secrecy laws.

Under the agreement, whenever Federal prosecutors or investigators here need bank or business records located in the Cayman Islands in a matter "arising from, related to, connected with, or resulting from" illegal drug trafficking, the U.S. Attorney General may obtain the records by issuing a "certificate" to the Attorney-General of the Cayman Islands.

The certificate can be issued in connection with a Federal grand jury investigation, a criminal case awaiting trial, or even a civil or administrative proceeding ancillary to narcotics trafficking litigation. Thus, a civil forfeiture proceeding under the United States Code can serve as the predicate for a certificate. The matter involved need not even specifically involve narcotics charges as long as the investigation or proceeding is materially related to narcotics trafficking. For example, a pending or contemplated tax evasion case can qualify for the issuance of a certificate if the "likely source" of the target's income is narcotics trafficking.

The certificate contains no information about the case other than the grand jury number or docket number and the Attorney General's assurance that the matter falls within the scope of the agreement. Therefore, use of the certificate process does not conflict with grand jury secrecy or pose the practical jeopardy to the investigation inherent in traditional methods of international judicial assistance.

Upon receipt of the certificate, the Cayman Islands Attorney General is obliged to order the Cayman entities involved to surrender the records to him within 14 days. Once the records are surrendered, the Attorney General forwards them to the Department of Justice. The agreement also obligates the Cayman authorities to provide foundation testimony to ensure the admission of the records into evidence before our courts. If bank officials or other individuals fail to produce the records specified in the certificate, they face the imposition of fines and imprisonment, and the Cayman authorities will obtain a warrant to search for and seize the needed records and deliver them to the United States.

In return for the Cayman Islands' good faith implementation of these procedures, the United States agreed not to use subpoenas served upon the U.S. branches of international banks and businesses in any case which would fall within the agreement. However, the United States insisted that the agreement not take force until the Caymans had drafted and enacted new internal legislation which clearly enabled its government to carry out the promises offered at the bargaining table. The necessary Cayman internal legislation was enacted in late August 1984, and the agreement became effective August 29, 1984.

By year's end, the Attorney General had issued 17 certificates demanding Cayman Islands records for use in major drug investigations from all over the country. Most of the prosecutors responsible for the cases involved have praised the evidence obtained under the agreement as extremely valuable. For example, the Lead Task Force Attorney in Cincinnati has credited the evidence obtained pursuant to the agreement with facilitating the recent convictions there of members of a major cocaine trafficking organization.

The agreement is to remain in force for 15 months. A key provision specifically obliges the Cayman authorities to begin good faith negotiation of a full, formal, mutual legal assistance treaty that would cover more than just narcotics-related offenses. These negotiations are to begin in May 1985. Accordingly, both sides view the current agreement as an interim arrangement pending negotiation of the formal treaty. There can be little doubt, however, that the agreement has provided a significant boost to the efforts to gain international cooperation in the battle against narcotics.

The Kingpin Statutes

> Eighteen months of intensive Task Force investigation made it clear that Gazy Jablie was the head of a major cocaine distribution and money laundering organization in Sacramento. While attempting to board a flight from Miami to Panama, he and two associates were arrested by Federal agents. Nineteen other members of the organization were later arrested. After Federal officials confronted Jablie with the massive evidence against him, he agreed to plead guilty to, among other things, having operated a continuing criminal enterprise.
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> U.S. Customs and AUSA Case Narratives

The Continuing Criminal Enterprise statute (Section 848 of Title 21 of the U.S. Code), commonly called CCE, provides for the most rigorous sanctions of any Federal criminal statute directed at drug-related activities. Enacted as part of The Comprehensive Drug Abuse Prevention and Control Act of 1970, it carries a maximum penalty of life imprisonment and a minimum of 10 years—with no parole in either case—and fines up to $100,000. It also provides for forfeiture of any and all proceeds of the specified criminal activity, or of any assets purchased with such proceeds. This means that the Government has the right to take ownership of any real estate, automobiles, aircraft, boats, business equity, bank accounts, securities,

A total of $33,800,000 in non-drug assets has been forfeited to the Government as a result of Task Force convictions under the Continuing Criminal Enterprise statute.

or any other kind of goods or entitlements that were used in a criminal activity or purchased with money generated from it.

> Jahlie's sentencing was scheduled for late March 1985. The Government asked for a sentence of twenty-five years (without parole) and forfeiture of assets valued at almost a million dollars.

U.S. Customs and AUSA Case Narratives

Because the penalties are so severe, the statute requires five stringent elements of proof for conviction of defendants charged with CCE:

- The defendant's conduct must constitute a felony violation of Federal narcotics law;
- That conduct must take place as part of a continuing series of violations;
- The defendent must undertake this activity in concert with five or more persons;
- The defendant must act as the organizer, supervisor, or manager ("kingpin") of this criminal enterprise; and
- The defendant must obtain substantial income or resources from the enterprise.

The Task Forces are remarkably well suited to conduct the comprehensive investigations necessary to establish the requisite proof for CCE convictions, and to identify potential assets for forfeiture.

The CCE statute was not the only statute relating to drug trafficking passed in 1970. The Racketeer-Influenced and Corrupt Organizations (RICO) statute, part of the Organized Crime Control Act of 1970, provides other strong sanctions that deal with criminal organizations and their pernicious infiltration into legitimate businesses. The RICO penalties, however, are less severe than those for CCE: up to 20 years imprisonment, $25,000 in fines, and civil and criminal forfeitures.

> Richard Fields was arrested in Marquette, Michigan, in 1978 for possession of about nine ounces of cocaine. He was not prosecuted, but was the subject of continuing investigations over the succeeding years. The Task Force assumed the case in the spring of 1983, the forces of several agencies and attorneys were combined and expanded, and the investigation proceeded in pyramid fashion. One witness' testimony led to admissions by others, and their cooperation in turn led to more important participants in the enterprise. Fields himself agreed to cooperate with the investigation. Ultimately, a host of convictions was obtained, among them the conviction of a Chicago bank. But most significant were *19* convictions for RICO.

IRS and AUSA Case Narratives

The RICO provisions focus on an "enterprise," defined as "the association of a group of individuals," where that enterprise utilizes income from an illegal activity, acquires or exercises control through illegal activity, commits illegal acts, or conspires to do any of these things. The enterprise may or may not relate to drug dealing but a prosecutor must show that each defendant is guilty of a pattern of racketeering. That is, within a 10 year period the defendant must have committed at least two acts of racketeering. These acts must be connected by a common scheme in order to demonstrate that they are not merely unrelated offenses.

While the maximum penalties provided for by RICO may be less severe than the maximum CCE penalties, they can be extensive. Furthermore, while CCE convictions are usually limited to two or three defendants in a given case, RICO can, and does, provide for punishment not just of the leaders but of even remote associates—"little fish"—who are willing participants in the enterprise's illegal activities. Hence, in the Fields case cited above, 19 RICO convictions were obtained within one drug-related enterprise.

As noted, both statutes were enacted in 1970. Their full and effective use, however, has come about only with the advent of the Organized Crime

The Task Forces have. . . used their undercover operations to gain greater access to drug organizations. . . This method leads to better identification — and stronger incrimination — of high level drug dealers.

Drug Enforcement Task Force Program, a Program that has consistently emphasized the importance of the kingpin statutes as a necessary concomitant to its organizational focus. Most CCE and RICO prosecutions during 1984 have been under the Task Force aegis, with the following results.

As of December 31, 1984, 11 percent of all Task Force indictments included one or more defendants charged with CCE. A total of 211 defendants were charged with operating a continuing criminal enterprise. Of those 211, CCE charges against 109 defendants were disposed of by year's end—61 percent of those defendants were convicted (as a result of either a trial or a plea of guilty). Only 4 percent of those defendants were acquitted of CCE charges. CCE charges against 35 percent of the defendants were dismissed for a variety of reasons. These included the granting of motions by the defense, motions by the Government after the defendant agreed to plead guilty to other charges, or, often, motions by the Government after the defendant agreed to cooperate with the Government and/or forfeit substantial amounts of property and cash. The minimum 10 year sentence mandated under CCE resulted in heavy sentencing: 52 percent of those defendants sentenced received prison terms of 10 to 20 years, 10 percent received jail terms ranging from 20 to 25 years, and 38 percent were given terms of 30 years or greater. A total of $33,800,000 in non-drug assets has been forfeited to the Government as a result of Task Force convictions under the Continuing Criminal Enterprise statute.

By year's end, 4 percent of all Task force indictments included one or more defendants charged with RICO. A total of 355 defendants were charged with violations of the RICO statute. Of those, there have been dispositions of the RICO charges against 142 defendants: 65 percent were convicted, and 37 percent of those sentenced received prison terms ranging from 12 to 20 years. An additional 37 percent of those convicted of RICO violations were given jail terms in the five to eight year range. Prison terms of one to four years were given to 21 percent of those defendants convicted of RICO. Non-drug asset forfeitures for all RICO defendants reached $5,700,000 by year's end.

The forfeiture provisions of both RICO and CCE were clarified and strengthened by the Comprehensive Crime Control Act of 1984. Those modifications are discussed in Chapter 3 of this Report.

The CCE and RICO statutes serve drug law enforcement well. They are punitive. They summarily remove the fruits of crime. They entail substantial periods of incarceration. They deprive convicted criminals of the financial means for continuing their illegal activities. And, by imposing substantial prison terms, they deter criminals from reentering the drug business for a long time.

The enormous importance of this last element is illustrated by the example of Nicholas Valvano, the principal in a Task Force case. Valvano was convicted under CCE and sentenced to 20 years *without parole*. He and his 45 codefendants had *more than 400* prior convictions among them at the time of their trial. Valvano, the leader of the gang, had been convicted four times prior to 1977. Since that date he was convicted three more times: for an armed robbery, which was followed by a police shoot-out, for a separate bank robbery, and for parole violation. He had been sentenced to more than 15 years—yet he was legally at liberty in 1982, and remained so until his arrest in 1983! Because of CCE, he will not be on the streets again before the next century.

Investigative Techniques

Undercover Operations

An undercover operation is one in which an investigative agent assumes the role of a participant in an activity that relates to criminal behavior. It is designed to collect direct, first-hand, evidence or to obtain collateral intelligence, such as the names of other participants or locations of criminal activities. Undercover activities are often combined with electronic monitoring (also known as consensual monitoring or "wearing a wire") to substantiate the agent's eyewitness testimony.

The range of undercover operations is almost limitless. An undercover operation can be as simple as one agent's visit to a medical clinic (while wearing a wire) to collect first-hand evidence of illegal drug diversion activities, or it can be a major undertaking such as the operation of a bogus company involved in ostensibly shady dealings, in order to learn of illegal activities.

The undercover agent is an actor, assuming an often dangerous role. The undercover agent must win the trust of the operation's targets, a task that often entails personal risk. The pay-off, however, comes when sufficient trust has been established so that the targets are willing to share their secrets with the undercover agent.

These secrets can consist of the actual commission of a crime in the presence of the agent, as when a drug dealer sells his wares to an undercover agent. While such undercover "buys" have long been a staple of drug law enforcement, they have usually been accompanied by immediate arrests

The "buy/bust" syndrome has become standard. The Task Forces have resisted the simple buy/bust approach and have used their undercover operations to gain greater access to drug organizations by making increasingly larger "buys" from increasingly higher figures in the organization. This method leads to better identification—and stronger incrimination—of high level drug dealers.

In some instances, an undercover agent becomes a member of the target criminal organization. The Southern Comfort case, involving an organization run by kingpin Harold Rosenthal, is illustrative. 50

> An informant was a pilot for Rosenthal's organization. Rosenthal wanted him to hire a copilot. DEA obliged by providing one of its agents who was a qualified pilot. Together, the informant and the undercover agent flew cocaine into the country (where ultimately it was intercepted). But Rosenthal became suspicious of the copilot, believing he was responsible for leaks of information that were endangering the organization. Rosenthal ordered the pilot to investigate the copilot and "take care of him," if necessary. Because Rosenthal was known to be quite capable of ordering the "elimination" of anyone who threatened his operation, the Task Force team had to take steps to protect the agent. Accordingly, the pilot reported back to Rosenthal that he had gift-wrapped and presented a poisonous snake to the copilot, thereby arranging an "accident" which claimed the copilot's life. The funeral was duly reported by Atlanta newspapers. In this case the agent was able to provide enormous amounts of highly useful information for the investigation and contributed significantly to the ultimate prosecution of Rosenthal and his associates.
>
> OCDETF Case Narrative

Undercover operations are the most frequently exploited source of investigative information in Task Force operations other than informants. During 1984, 35.3 percent of those cases in which indictments were brought had utilized an undercover operation as an element of the investigation.

The utility of undercover operations grows out of two factors in particular. One factor is the necessity of discovering what normally remains hidden and unreported. Drug dealing is based on transactions between two willing parties—a buyer and a seller. Therefore, there is usually no one to file a complaint. To discover the drug dealers, it is often necessary for an agent to pose as a party to such a transaction.

The second factor is the credibility of a witness. Undercover agents are credible witnesses. When an informer-witness, or "snitch," has been a party to criminal activities it is often possible for the defense to challenge that witness's integrity, especially if the witness was an accomplice, has a criminal history, or has entered into a plea agreement which limits punitive exposure in exchange for testimony. The undercover agent, on the other hand, is a professional law enforcement officer, not a criminal. In testifying, the agent is reporting on how professional responsibilities were carried out. When this first-hand testimony is further substantiated by authorized wiretaps or by consensual recordings of conversations with or between defendants, the testimony becomes unassailable.

Task Force operations most commonly seek to use undercover operations to identify and incriminate the organizational heart, the leadership without which it can no longer function. A frequent objective is to learn the identities of those parties in the organization who never touch the drugs—the bankers, lawyers, financiers, and others who enrich themselves in criminal activities. Such Task Force cases are usually designed strategically, with an intended long-range objective complementing other aspects of the investigation. The approach must remain flexible, however, in order to permit prompt exploitation of targets of opportunity as they arise.

Title III Wiretaps

> A major OCDE Task Force case, concluded in 1984 with substantial convictions, involved importation of 18 kilos of heroin concealed in a shipment of Italian tiles destined for Buffalo. On September 13, 1983, the heroin was surreptitiously removed from the shipment in a New Jersey in-bond warehouse and replaced with a look-alike by Task Force Agents. Three days later, Andrea Aiello, awaiting the shipment in Buffalo, phoned his confederate Lorenzo Scaduto in New York City with a status report. (In this intercepted conversation, authorized under Title III, the "horse" is the heroin shipment, the "track" is the warehouse.)

Aiello: Ahm. I'm here waiting because the horse, ah yesterday they couldn't take him out. He was lame. So I was supposed to get him this morning. But nothing has arrived yet. So I'm waiting until five o'clock.

Scaduto: Uh, uhm.

Aiello: I just spoke to a guy. He told me, he says, "I think it's supposed to arrive at five o'clock." At least, we left it like this.

Scaduto: But did you ask him, if, if they took him out from the track?

Aiello: This morning yesterday, they couldn't get it yesterday. So, now, ahh they unhitched him this morning. And I'll wait here at five o'clock.

Scaduto: Why don't you call the track here to see it already, or.

Aiello: What do I do with the track? Everything is done.

Scaduto: And they can tell you if it already left from there? They brought it from the track?

Aiello: He told me, "You can inquire over there. They will put it in the trailer."

Scaduto: Yeah.

Aiello: He says, "It will arrive over there." He says, "From here, the information that I got from the veterinarian is that it left today." So this is what I can tell you. He put it in our trailer. If that driver is able to run with speed he should be over there tonight.

The following day Aiello reported that "the horse is in the barn."

AUSA Coordinator's Report
and Title III Transcript

Title III of the Omnibus Crime Control and Safe Streets Act of 1968 is the legislation that enables the Federal Government to engage in wiretapping and electronic surveillance of private communications. Such intercepts are used to hear and record secret conversations.* The targets of the intercepts do not know that someone is listening, but often use code languages to disguise what they are discussing, on the assumption that the telephone may be tapped. In common parlance, one of these operations might be referred to as a bug, a tap, a wire, or a Title III.

. . . Title III's are not frivolously undertaken. It is only because the Task Forces are engaged in cases of such magnitude and duration that the expenditure of such efforts and resources can be justified.

Electronic surveillance can be one of the most productive tools in the investigation of organized crime and narcotics trafficking. Its particular value derives from two factors: for the investigations it produces intelligence leading to previously unknown conspirators, dates of events, and the locations of activities of interest to law enforcement. For the prosecutions it produces the defendant's own words, describing his criminal actions. Legally and properly obtained recordings or transcripts are strong, virtually incontrovertibly incriminating pieces of evidence. Some of the Task Forces' most impressive cases have been possible only because of the product of electronic intercepts.

Of the 953 indictments reported by the end of 1984, 224 (23.5 percent) resulted from investigations which utilized an intercept operation.

A wiretap or other similar intercept is, of course, an invasion of privacy and, under normal circumstances, is prohibited by the same Title III. The potential for abuse in conducting intercepts is

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* The legal restrictions of Title III do not apply to what is called a "consensual wire," in which, for instance, an undercover agent wears a hidden microphone and recorder. Courts have ruled that consensual intercepts are not substantially different from an agent's personally reporting what transpired, except that the recording is more accurate and reliable. At the same time, the Department of Justice reviews consensual operations in advance, against criteria similar to those for a Title III. There is no requirement for a court order, however.

enormous, and the law provides stiff penalties for those not clearly sanctioned. The process by which these bugs may be authorized and the constraints under which they are to be administered are set out in detail in law and in departmental guidelines and are designed to avoid eavesdropping that might be considered inappropriate. The first such constraint, for example, is a specific and limited listing of those offenses whose probable commission justifies the activation of an intercept operation.[5]

When an investigative team is convinced of the propriety and desirability of mounting a Title III operation, it is necessary to obtain first the approval of the U.S. Attorney General to request a court-ordered warrant for the operation. The application for this authorization must be extremely detailed, and its preparation is a time-consuming chore for agents and attorneys. The application is followed by a comparably detailed affidavit. Each court-approved intercept is then authorized for only a brief period—usually 10 to 15 days, and never more than 30 days. Any request for renewal requires a detailed review of the recordings or transcripts collected to date.

The actual operation of the listening and recording equipment makes enormous strains on the agencies' personnel. It is, for example, essential that conversations not covered by the court order not be intercepted, and this in turn means that the equipment must be monitored "live" rather than by automatic equipment. All pertinent materials that are recorded must be transcribed (and often translated, as well) and reviewed for investigative exploitation, for the operation's next renewal (when appropriate) or for prosecutorial use. These processes—monitoring, transcribing, translating, and reviewing—are tremendously time consuming and expensive. There is normally an additional necessity for a physical surveillance to reinforce the tap and, often, to exploit highly perishable leads. This kind of surveillance doubles the personnel needs.

The heavy burdens inherent in the several requirements listed above mean that Title IIIs are not frivolously undertaken. It is only because the Task Forces are engaged in cases of such magnitude and duration that the expenditure of such efforts and resources can be justified. And it is only because the combined resources of the agencies—in both personnel and expertise—are sufficient to mount and sustain wiretap operations that they have been brought to bear in so many instances and with such beneficial results. Even the multiagency personnel pool is often not enough and many Task Force wiretaps have been possible only because of the assistance of State and local agencies, under the aegis of the Task Force Program. The Task Forces have benefited greatly from the many years of Title III experience of the FBI in particular and other investigators are becoming increasingly adept. For illustration, a Task Force lawyer has also noted that:

> The District of New Jersey has particularly honed its skills in seeking court authorization for multiple wiretaps and in trying the resultant cases. . . . The OCDETF AUSAs have been heavily engaged in seeking and/or reviewing drug-related wiretaps, with ever-decreasing lead timed needed for actual drafting as experience skyrockets.

The confluence of these factors has generated a surge of Title IIIs within the Task Forces. Of the 953 indictments reported by the end of 1984, 224 (23.5 percent) resulted from investigations which utilized an intercept operation.

Convincing evidence of the flow and availability of large amounts of cash is of incomparable importance when bail is set and at the time of sentencing.

The number of Title III authorizations and extensions approved by the Attorney General has doubled during the past two years, and narcotics cases currently account for more than two-thirds of the total.

Using the reports of financial transactions which are gathered in the records of the Treasury Financial Law Enforcement Center (TFLEC), Task Forces seek to spot anomalies and patterns indicative of money laundering.

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[5] The Comprehensive Crime Control Act of 1984 added currency transactions (31 U.S.C. 5322) to the offenses concerning which interceptions may be ordered.

An IRS analysis of Task Force cases indicted in 1984 disclosed an average elapsed time of 9.2 months from case initiation to the return of an indictment or information. During the same period, non-Task Force cases averaged 15.6 months.

Financial Investigations

The OCDE Task Force Program has brought the use of multiagency financial investigations in narcotics cases to new levels of sophistication and utility, and extended their value dramatically. These investigations are typically spearheaded by IRS or Customs and coordinated by an AUSA specialist. This section will briefly examine the Task Forces' accomplishments in using financial investigations in narcotics cases to achieve a variety of objectives. Special attention will be given to two facets of OCDE Task Force Program financial investigations: tax grand juries and civil and criminal forfeiture law.

One major objective of Task Force financial investigations is the identification of previously unknown persons who are benefiting from drug trafficking. In practice these investigations lead principally to financiers and money launderers. Using the reports of financial transactions which are gathered in the records of the Treasury Financial Law Enforcement Center (TFLEC), Task Forces seek to spot anomalies and patterns indicative of money laundering.

In addition to identifying the unknowns, these units and the methods they employ can also take the name of a suspect and construct a trail of evidence that makes prosecution possible. Such a case is that of Luis Pinto, whose sole function was to assist three cocaine organizations by moving their cash funds into concealable or legitimate accounts for further use or reinvestment. (See case study, "The Standby Senator.")

Another purpose of financial investigations is to establish links among individuals engaged together in a narcotics enterprise. The flow of money, transfers of property, or transfers of interest in valuables or in companies can often be traced and documented by expert investigators. Within the OCDE Task Force Program it has become quite common, for instance, for search warrants to be drawn in such a fashion as to ensure that one authorized participant in a search party is a financial investigator with the expertise to recognize drug-related ledgers or other documents. The following excerpt from a Task Force case narrative shows the interplay of financial records and other investigative elements.

> Electronic and physical surveillance of the activities was continued and on September 7, cryptic telephone conversations and physical surveillance of an apparent clandestine meeting led agents to follow one of Goldberg's associates to a storage locker in San Rafael, California. The locker was searched pursuant to a warrant the following morning and inside were found packaging material with marijuana residue and over a thousand pages of business type records indicating a multimillion dollar Thai marijuana importation and distribution operation. During the next several months, the records were analyzed by experts and found to be detailed accounting records of an enterprise which had employed more than 20 individuals to receive, process, inventory, and distribute vast quantities of Thai marijuana, with total sales of 7.3 million dollars during May through August 1983. The records were also subjected to fingerprint and handwriting analysis and entries in the records concerning capital expenditure, such as the rental of trucks to transport the marijuana, were correlated with telephone tolls and subpoenaed rental records showing the rental of those trucks by subjects of the investigation. This, together with information developed from the wire tap of Goldberg and information from Wells and Scroggin concerning their knowledge of Goldberg's marijuana trafficking, furnished the basis for the indictment of Goldberg and the others.
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> AUSA Case Narrative

An additional outcome of financial investigations relates to their impact on prosecution. Most jurors have little first-hand knowledge of drugs. They find it difficult to comprehend the significance of one kilo, a hundred pounds, or a ton. Measuring the size of an organization's operations in terms of dollars spent or received, however, brings the organization into much sharper focus for a jury. Convincing evidence of the flow and availability of large amounts of cash is of incomparable importance when bail is set and at the time of sentencing.

To facilitate financial investigations the Task Forces are encouraging and assisting the development of groups with special expertise. These are financial investigation units, generally staffed by investigators from two or more investigative agencies, and often joined by an AUSA. During 1984 about 40 of these units were active and most of them were part of, or closely related to, OCDE Task Forces. Eleven of the core cities have financial investigation units. The most widely known is Operation Greenback. (See Chapter 2.)

As the Internal Revenue Service increases its participation at the earlier stages of Task Force investigation there is more frequent use in search warrants, of language authorizing the search for and seizure of financial records of narcotics traffickers and organizations. This authorization is sought once probable cause is established that such evidence exists and is on the premises to be searched. Often, in keeping with the Task Force concept, IRS special agents participate with other agencies, using their specialized expertise to search for items of financial evidence. Having one warrant, executed by various agencies whose agents search for items within their area of expertise, greatly enhances the efficiency of the endeavor. Not only does the expertise of the IRS agents in locating critical financial documents assist in the development of Title 26 tax cases, the evidence gathered can provide leads to assets vulnerable to seizure under the forfeiture provisions of the CCE statute or the Controlled Substances Act and can also uncover evidence that will pertain to the "substantial income and resources" element of the CCE prosecution.

Before the OCDE Task Force Program was instituted, the Criminal Investigation Division of the IRS had initiated the High Level Drug Leaders (HLDL) project as a part of its efforts to combat narcotics traffickers. While most criminal cases in the Internal Revenue Service are investigated administratively, that is, without the use of a grand jury, HLDL cases utilized grand jury investigations. During the development of the OCDE Task Force Program, it was recognized that major drug investigations would be greatly enhanced by HLDL type participation of the IRS.

> ***. . . the OCDE Task Force Program's conscious emphasis on forfeitures is calculated to cripple drug organizations by taking away their profits.***

In the early months of the OCDE Task Force Program, the IRS would submit detailed written requests for authorization to start or join Task Force grand jury investigations. That procedure was a reflection of long standing safeguards designed to prevent the misuse of the grand jury process. Requests for grand jury authorization were reviewed at several levels within the IRS and then forwarded to the Department of Justice. When these requests were approved the IRS would apply its resources to the grand jury investigation and, at its conclusion, prepare a lengthy and detailed report recommending prosecution. This report would also be reviewed at several levels within IRS before being submitted to the Department of Justice.

The system for approving IRS participation in grand jury investigations and for approving prosecutions on tax charges was far more time-consuming than the approval procedures of the other participating federal agencies. In some instances, procedural delays precluded IRS from participating in ongoing investigations and, in other instances where IRS was a participant, indictments were delayed to accommodate these lengthy reviews.

Coordinated timing of indictments is often critical to the success of Task Force prosecutions. Therefore, in November 1983, the IRS reevaluated its position and the Secretary of the Treasury modified the procedures, delegating approval of Task Force grand jury investigations to the District Directors. Further, authorizations for the prosecution of criminal tax cases involving Task Force targets during 1984 were made on an expedited basis, the average case being authorized in less than 30 days. Often authorizations were granted orally within 24 to 48 hours of the submission of the investigating agent's report.

Drawing on over a year's experience, it is possible to evaluate the effect that the expedited review process has had on Task Force tax cases. An IRS analysis of Task Force cases indicted in 1984 disclosed an average elapsed time of 9.2 months from case initiation to the return of an indictment or information. During the same period, non-Task Force cases averaged 15.6 months. The expedited review procedures in Task Force cases has saved substantial time; this in turn, has resulted in more significant multifelony indictments, and in more tax dollars assessed and collected. Moreover, this expeditious review has allowed the IRS to apply its expertise to all financial aspects of investigations—not just tax violations—and to create an atmosphere of full cooperation with the other Federal and local enforcement agencies involved.

The streamlining of IRS procedures in Task Force cases has resulted in expanded effectiveness and use of the tax grand jury in Task Force grand jury investigations. A total of 120 Task Force grand jury investigations were authorized by the Department of Justice's Tax Division during 1984. As a result of these grand jury investigations, a total of 731 individuals have been investigated for criminal tax violations. In 1984, the Tax Division authorized prosecution of 223 of these defendants for criminal tax violations.

In a further attempt to streamline the processing of Task Force cases, the Tax Division of the Department of Justice appointed special Criminal Section attorneys as liaison attorneys to the Task Forces. Each tax attorney is assigned to a regional Task Force and is responsible for expeditious review of all grand jury requests and prosecution reports from the Task Force in that region. The attorneys were selected on the basis of their experience with complex multiagency investigations involving the extensive use of indirect methods of proof, which are frequently used in Task Force cases.

In 1984 prosecutors from the Tax Division traveled to all areas of the country where their expertise was required either by another prosecutor or by investigating agents. These activities were coordinated with the U.S. Attorneys and resulted in unprecedented cooperation in Task Force investigations and trials. Tax Division attorneys are also in constant contact with the Internal Revenue Service Coordinators in their respective regions in order to keep abreast of new developments that might be of particular importance to the Tax Division.

The following examples typify the results of the combined efforts of local Task Force AUSAs with Tax Division support, using the expedited approval procedures and tax grand juries.

> A Southwest Border Region case involved a major cocaine and marijuana importation/distribution organization. The grand jury investigation conducted by an Assistant U.S. Attorney and a Tax Division liaison attorney resulted in a multicount and multidefendant indictment charging various violations of Titles 18, 21 and 26. Among the charges were tax evasion, maintaining a continuing criminal enterprise, and conspiracy involving the laundering of drug proceeds by an accountant. To prosecute a CCE charge successfully, it is necessary to prove the defendant derived "substantial income" from his drug dealing. Charges of tax evasion amounting to $2,100,000 helped to meet that requirement. This case was resolved successfully after the second day of trial with guilty pleas being taken to various Title 26 and Title 21 offenses.

> The Tax Division representative for the North Central Region Task Force helped the Task Force AUSA in Chicago in the grand jury investigation of Carl Valdez, et al. This investigation lasted through July 1983, and concerned itself with an importation/distribution network that marketed cocaine with a street value of approximately $50,000,000. The investigation resulted in the indictment of 21 people. Charges included violations of the RICO law, the continuing criminal enterprise statute, and criminal tax laws. The suit alleged evasion of a million dollars in taxes. A trial occurred in June 1984 which resulted in 20 of the 21 defendants being found guilty, the remaining defendant being a fugitive.

Tax Division Case Narratives

Multiagency grand jury investigations as outlined above are having an impact. Through December 31, 1984, 328 Task Force criminal indictments/informations for tax statute violations have been obtained. These charges generally were obtained in conjunction with other charges under narcotics, conspiracy or banking laws.

As in the case of tax grand juries, the OCDE Task Force Program's conscious emphasis on forfeitures is calculated to cripple drug organizations by taking away their profits. This is a field of spectacular success, in terms that are real and measurable.

> At the Task Force Advisory Committee meeting in New Orleans early in 1984, the use of forfeitures was the principal topic discussed. Thanks to the presentation by the District of South Carolina and IRS's national office, our region learned of the successes that had been achieved in other parts of the country and decided to apply these principles in the Gulf Coast Region.

> After the meeting the Eastern District of Texas stepped up its efforts to seize a horse ranch near Aubrey, Texas.

> Included in this seizure were approximately 150 horses, several luxury homes, tractors, equipment, jewelry and expensive vehicles. In the trunk of one of the vehicles was 240 pounds of gold bullion. Current value of the seizures is estimated to be in the range of $10,000,000.
>
> In another Task Force case, the *Cash Crop* investigation, the Southern and Western Districts of Texas have seized bank accounts, vehicles, jewelry, contents of safety deposit boxes, three homes, a marijuana processing ranch, equipment, and land with approximate value of $9,000,000.

AUSA Coordinator's Report

> In another Southern District case a multi-million dollar printing company, vehicles, homes, and aircraft with an approximate value of $5,000,000 were seized in a RICO indictment which is currently pending. The total seizures during 1984 of drug-related assets for this region exceeds $26,000,000.

AUSA Coordinator's Report

The Task Forces are encouraged to use these complex and unfamiliar tools by presentations given at meetings such as the one in New Orleans cited here, and by a series of Task Force/Department of Justice seminars such as the week-long forfeitures seminar held in Denver in April 1984.

Other organizational reinforcers are regularly offered by the Department of Justice's Asset Forfeiture Office and the U.S. Marshal Service's National Asset Seizure and Forfeiture (NASAF) Program. The Asset Forfeiture Office supervises and assists in Federal forfeiture litigation. It provides forfeiture guidelines to all Federal prosecutors; provides advice, guidance, or research to attorneys and agencies requesting it; and provides training programs or speakers for sessions sponsored by other groups.

The NASAF Program, launched in the Spring of 1984, was created explicitly to centralize the management of seized assets and to support Task Force initiatives. The NASAF Program incorporates a headquarters administrative unit and 13 field offices, located in Task Force core cities (except that there is a NASAF office in Seattle and none in San Diego). NASAF, when fully implemented, will be a centralized program for the management of seized and forfeited property. It will absorb the administrative and property management responsibilities associated with asset seizures previously handled by Federal investigators and attorneys.

The Comprehensive Crime Control Act of 1984 includes provisions that will have a major impact on Task Force forfeiture proceedings. Because the act was signed late in the year, the effect of the changes will not become apparent until 1985. The changes are briefly explained in Chapter 6 of this report.

The two "kingpin" statutes, RICO and CCE, provide for criminal forfeiture of the fruits of crime. Other statutes provide for civil forfeiture of such illicit profits. These forfeiture provisions are being used increasingly by the Task Forces, as are administrative seizures which can be employed under certain circumstances.

In addition to RICO and CCE seizures, jeopardy assessments executed by the IRS are a part of the Task Force arsenal. Jeopardy assessments differ from other tax assessments in that at any time after the due date the IRS may avoid the usual time-consuming procedures and immediately assess and collect the tax, given that there is an indication that collection may be in jeopardy. Termination assessments under the same circumstances are made before the due date.

Jeopardy and termination assessments are made by the IRS in OCDE Task Force cases and in other IRS narcotics-related investigations. It is not currently possible to segregate OCDE Task Force jeopardy and termination assessments from the total jeopardy and termination assessments made by IRS through its overall narcotics program, but an analysis of the total IRS narcotics jeopardy and termination assessments during fiscal years 1983 and 1984 is shown in the Exhibit following. It shows a substantial increase in the number of such assessments, the total amount assessed and the average assessment from FY 1983 to FY 1984 (the first full year of the OCDE Task Force Program). FY 1976 figures are provided for comparison.

IRS Narcotics Jeopardy and Termination Assessments

Fiscal Year	Number of Cases	Total Assessment ($ Millions)	Average Assessment ($)
1976	104	7.4	71,000
1983	262	68.8	262,900
1984	297	116.6	392,700

These jeopardy and termination assessments are civil forfeitures and result in an immediate demand for payment. They provide for seizures of assets of sufficient value to satisfy the subject's tax obligations. All other forfeiture laws can reach only property used in illegal activities or obtained with tainted money. Jeopardy and termination assessments, however, can apply to *all* property owned by the individual, regardless of the source of funds used to acquire the property. This feature makes these assessments particularly effective when dealing with wealthy narcotics traffickers.

The ability and willingness of the Task Forces to employ these tools has grown dramatically. The Program's first year resulted in almost $50 million in seizures and forfeitures alone. The first OCDE Task Force Program Annual Report noted in its conclusion that "If first year trends continue into the second year, the expense of operating the OCDE Task Force Program may well be exceeded by the value of forfeitures, fines, and seizures generated by Task Force cases." The total value of Task Force fines, seizures, and forfeitures in 1984 was nearly $170 million, and that projection has indeed been realized.

The Witness Security Program

The Witness Security Program, established in 1971 as part of the Organized Crime Control Act of 1970, is administered by the U.S. Marshals Service. The program provides for the physical security and social well being of government witnesses and their families whose lives have been threatened by virtue of their willingness to provide vital information and testimony against organized criminal activities. Witnesses and their families are relocated to a safe area under a new identity and assisted by the USMS in becoming self-sufficient. Since 1971 over 4,600 principal witnesses have accepted the protection of the program. Program witnesses are responsible for the conviction of over 78 percent of the defendants against whom they have testified. Since the program's inception, the Marshals Service has an unblemished record for protecting the lives of witnesses living within the security guidelines of the program.

In 1984, 44 witnesses entered the Witness Security Program after cooperating in Organized Crime Drug Enforcement Task Force investigations. They represent approximately 17 percent of the total of 265 witnesses who entered the Witness Security Program last year.

The protected Task Force witnesses testified against many criminal organizations, most extremely dangerous. These witnesses were members of or closely associated with such narcotics organizations as the Pagans Motorcycle Gang in Pennsylvania, Maryland, and Delaware, the Ghost Riders in Washington, and the Outlaw Motorcycle Club in Ohio, Colombian trafficking groups, and the Dixie Mafia.

Four witnesses were placed in the program in a recent Task Force prosecution in the Northern District of Georgia, when members of the Rosenthal smuggling operation were indicted. Rosenthal and his associates have a well-established reputation for violence. Information indicates that the organization tortured those suspected of disloyalty.

The marijuana and cocaine ring of Harold Jerry Garmany was responsible for the importation of at least 200,000 pounds of marijuana and 80 kilograms of cocaine. The Garmany organization has been documented as extremely violent and involved in several murders. Members and customers of the organization had been beaten and threatened. Three witnesses in this case entered the Witness Security Program. In January 1984, Garmany was convicted in the Northern District of Alabama and was sentenced to 20 years incarceration and fined $40,000.

In the Northern District of Ohio, two Drug Task Force witnesses entered the Program as a result of their cooperation in a case concerning seven members of an organization capable of distributing up to 20 kilograms per month of high grade cocaine, flown directly from Colombia. The organization was known for violence, and the lead defendant, Salvatore Gati, had made it clear that he used armed enforcers. All seven defendants either pled guilty or were convicted. Three defendants were sentenced to 12 years incarceration and fined $10,000 each, one defendant was sentenced to 10 years and fined $10,000, one defendant was sentenced to three years incarceration, and two are awaiting sentencing.

In March 1984, seven individuals were indicted by the Task Force in the Western District of North Carolina on charges arising from the distribution of marijuana and cocaine in Florida, North Carolina, and West Virginia. The majority of the defendants in the North Carolina prosecution are from Wilkes County, a mountainous rural area notorious for moonshine stills, bribery of public officials, and crimes of violence. There have been six drug related homicides in the county in the last two years. One witness, who had been a member of the organization, entered the Witness Security Program. One leader of the group, Garvey

Martin Cheek, Jr., was convicted and sentenced to 75 years incarceration. His co-leader, Jeffrey Denny Van Meter, was convicted and sentenced to 50 years incarceration without parole. Three other defendants were convicted and each was sentenced to 10 years in Federal prison. Of the remaining two defendants, one is believed dead and the other is a fugitive. More than 50 other individuals are likely to be prosecuted as a result of this investigation.

In the Southern District of Mississippi, 11 individuals considered to be the very top criminals on the Gulf Coast were indicted. They had conducted their various illegal activities—including drug trafficking—with impunity for years because of their ability to bribe local law enforcement officers. A sheriff and his chief deputy were among those indicted, and both agreed to testify for the Government. Because the group and its members had lengthy criminal records and a reputation for violence and murder, the sheriff, his deputy, and two other witnesses entered the Witness Security Program. Of the 11 defendants, 10 pled guilty, and the other committed suicide.

Members and associates of the Pagans Motorcycle Club were prosecuted in several districts on charges arising from the distribution of marijuana, quaaludes, methamphetamine, and cocaine. The Pagans, as a matter of policy, inflict or attempt to inflict severe bodily harm on any and all persons who testify against them. The Club has a documented history of violence, including murder. Several witnesses who have testified against the Pagans entered the Witness Security Program.

Pagan Rituals

The Pagans Motorcycle Club is located primarily in East Coast states, from New York to Florida. The Pagans are organized in about 20 local chapters, under the direction of the Mother Club chapter, which elects from among its own members a National President, Vice-President, Sergeant-at-Arms, and Treasurer. Each of the Mother Club's 15 to 20 active members also serves as advisor to one or more local chapters. The Mother Club governs the Pagans by setting policy, enforcing rules, and scheduling Club events. Club members are commonly known by colorful nicknames.

For about ten years, members of the Pagans had been involved in dealing almost every kind of controlled substance, but the overwhelmingly predominant drugs were methamphetamine ("meth") and phencyclidine ("PCP"). Both of these synthetic drugs are manufactured in crude laboratories from other, fairly common, chemicals. A form of drug popular with some Pagans is "killerweed," parsley leaves impregnated with PCP, which can be smoked like cigarettes, but with very different results.

While Federal agents had been working against the Pagans for some time, the Pagans were careful to avoid seriously incriminating themselves on major drug charges. They were well aware of the provisions of the RICO statute, for instance, and took special precautions to protect themselves against RICO charges. But that all changed in October 1982, when an anonymous phone call to a well-known DEA agent indicated that "Jimmy D" wanted to cooperate.

Jimmy D had just been convicted in a state court of shooting a member of a rival criminal organization. The shooting was an assignment from the Club. While the attempted murder was a State offense, there were also Federal firearms charges filed against Jimmy D. He was worried about his wife and daughter, and wanted to avoid exposure to added prison time. So, Jimmy D "flipped."

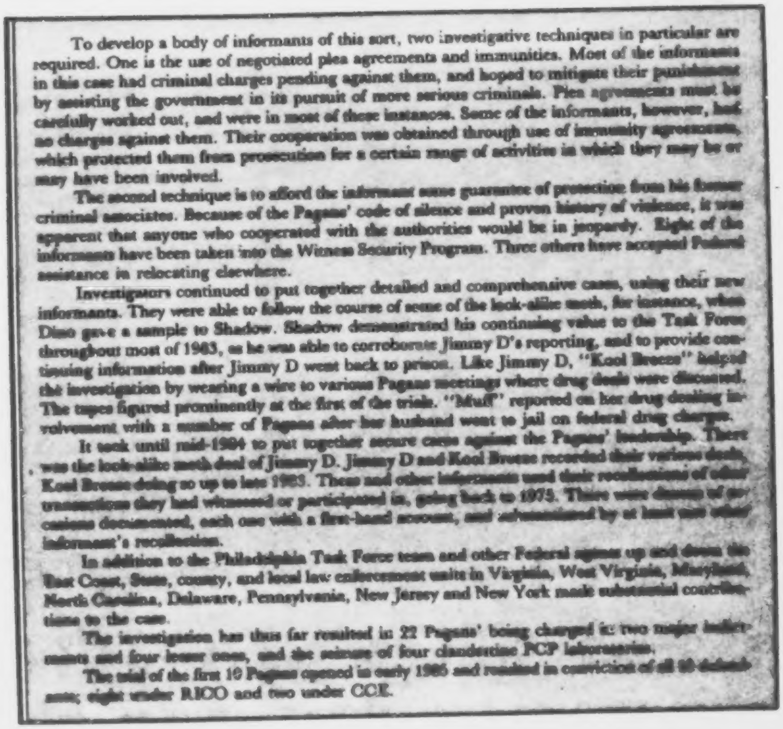
Jimmy D had been a Pagan since 1976. In addition to his gun-toting enforcer role, he was intimately involved with the manufacture and distribution of meth and PCP within the Club, and had become a principal "chemist" of the Mother Club's meth. He was able to tell the Federal agents a great deal about previous drug dealing within the Mother Club. When he agreed to work with the federal agents as a confidential informant, arrangements were made for Jimmy D's release "on bail, pending appeal" of his shooting conviction.

Jimmy D's offer of cooperation coincided almost to the day with the President's announcement of the OCDE Task Force Program, which gave the investigators assurance that the resources of men and money would be available to continue long-term exploitation of this opportunity. Prospects for getting the Pagans looked bright. This was the first case accepted by the Task Force in Philadelphia.

Over the course of about six weeks, Jimmy D recontacted his friends in the Club, and let it be known that he needed money to care for his wife and daughter while he would be in prison. He agreed to cook a batch of meth, in exchange for $10,000 paid to himself or his wife. DEA chemists made up a batch of "look-alike" meth, which Jimmy D was then able to sell to members known as "White Bear" and "McNut." These transactions took place at a Holiday Inn. Jimmy D was "wearing a wire," and Task Force agents heard and recorded the conversations, and photographed White Bear and McNut receiving the phony meth from Jimmy D and placing it in their cars.

Soon thereafter, Jimmy D returned to prison, and to the care of the Witness Protection Program.

The Task Force already had the benefit of an FBI confidential informant, "Kool Breeze," who contributed to the investigators' growing knowledge of the Pagans' drug dealings. Over the course of the following 18 months, more members came forward, offering to cooperate. In all, the cooperating members were "Shadow," "Ronnie," "Muff," "Yosemite Sam," "Worm," "Scarf," and "Hands." In addition, two non-members shared their knowledge of the Pagans' affairs.



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To develop a body of informants of this sort, two investigative techniques in particular are required. One is the use of negotiated plea agreements and immunities. Most of the informants in this case had criminal charges pending against them, and hoped to mitigate their punishment by assisting the government in its pursuit of more serious criminals. Plea agreements must be carefully worked out, and were in most of these instances. Some of the informants, however, had no charges against them. Their cooperation was obtained through use of immunity agreements, which protected them from prosecution for a certain range of activities in which they may be or may have been involved.

The second technique is to afford the informant some guarantee of protection from his former criminal associates. Because of the Pagans' code of silence and proven history of violence, it was apparent that anyone who cooperated with the authorities would be in jeopardy. Eight of the informants have been taken into the Witness Security Program. Three others have accepted Federal assistance in relocating elsewhere.

Investigators continued to put together detailed and comprehensive cases, using their new informants. They were able to follow the course of some of the look-alike meth, for instance, when Dino gave a sample to Shadow. Shadow demonstrated his continuing value to the Task Force throughout most of 1983, as he was able to corroborate Jimmy D's reporting, and to provide continuing information after Jimmy D went back to prison. Like Jimmy D, “Kool Breeze” helped the investigation by wearing a wire to various Pagans meetings where drug deals were discussed. The tapes figured prominently at the first of the trials. “Muff” reported on her drug dealing involvement with a number of Pagans after her husband went to jail on federal drug charges.

It took until mid-1984 to put together secure cases against the Pagans' leadership. There was the look-alike meth deal of Jimmy D. Jimmy D and Kool Breeze recorded their various deals, Kool Breeze doing so up to late 1983. These and other informants used their recollections of other transactions they had witnessed or participated in, going back to 1975. There were dozens of occasions documented, each one with a first-hand account, and substantiated by at least one other informant's recollection.

In addition to the Philadelphia Task Force team and other Federal agents up and down the East Coast, State, county, and local law enforcement units in Virginia, West Virginia, Maryland, North Carolina, Delaware, Pennsylvania, New Jersey and New York made substantial contributions to the case.

The investigation has thus far resulted in 22 Pagans' being charged in two major indictments and four lesser ones, and the seizure of four clandestine PCP laboratories.

The trial of the first 10 Pagans opened in early 1985 and resulted in conviction of all 10 defendants; eight under RICO and two under CCE.

The Illicit Drug Situation in 1984

4

This chapter presents a summary of the availability, trafficking, and abuse patterns of illicit drugs in the United States during 1984. This summary is arranged in the following categories: (1) Marijuana, (2) Cocaine, (3) Heroin, (4) Heroin Substitutes and Analogs, and a fifth category, "Dangerous Drugs." Dangerous drugs is an umbrella term used to describe those illicit drugs (stimulants, depressants, psychomimetic substances, etc.) which do not fall into the four previous categories.

Marijuana

It is estimated that the volume of marijuana consumed in the United States in 1984 did not exceed the 1983 volume of nearly 14,000 tons. Marijuana availability in 1984 was affected by a preharvest shortage in the domestically grown portion of the commercial product. There has also been evidence of sporadic shortages of Colombian marijuana in 1984.

The marijuana abusing population is likely to have stabilized or even decreased during the last five years.

Estimates indicate that the domestically produced portion of the marijuana supply remained stable in 1984; it is not expected to exceed the 10 to 11 percent level attained in 1983.

The remaining 90 percent of the marijuana supply available in the United States in 1984 was from foreign sources. It was estimated that during 1983 Colombia accounted for 60 percent of the total United States supply. Based on preliminary data, the proportion declined in 1984. Mexican marijuana, on the other hand, was far more significant in the United States market in 1984, perhaps doubling its 1983 proportion of less than 10 percent. Other foreign sources of marijuana included Jamaica and Central America.

Although there is no direct evidence of a single highly developed distribution structure in the United States, there is evidence to support the contention that many local, intrastate, and interstate distribution organizations exist and are responsible for the successful transportation and distribution of the large quantities of homegrown marijuana available in the market. In 1984 the major marijuana growing states were Hawaii, California, and Oklahoma, in that order. Major crops also originate in Arkansas, Georgia, Indiana, Kansas, Tennessee, and [redacted]

The Federal Government funds cooperative efforts with some States to eradicate marijuana plants. That funding level increased from $960,000 in 1982 to $3.3 million in 1984. Some 3.8 million cultivated plants and approximately 9 million wild plants were destroyed during the year.

Marijuana abuse has actually declined in 1984 as measured by the number of younger users experimenting with the drug and the number of marijuana-related emergency room episodes. (See Exhibit 4-3.) However, this may be partially accounted for by the shortages mentioned earlier.

The marijuana abusing population is likely to have stabilized or even decreased during the last five years. The National High School Senior Survey indicates that 40 percent of all seniors used marijuana in 1984. This proportion is down from the 42 percent reported in 1983, and is the lowest since 1975. Changes in abuse patterns, rather than in absolute abuser prevalence, are likely to be responsible for the level of marijuana abuse indicators such as treatment admissions and emergency room men-

Preliminary estimates indicate that approximately 74-90 metric tons of cocaine were exported to the United States in 1984. Approximately 75 percent of this supply originated in Colombia, most of the rest in Bolivia and Peru.

tions. In general, the price of both hybrid marijuana and sinsemilla at more than $100 per ounce make these varieties prohibitively expensive to younger users. For them, less expensive commercial grade marijuana sold at approximately $50 per ounce remains the drug of choice. (See Exhibit 4-2.) It is known that high prices for sinsemilla in 1984 forced some adult users to downgrade to the domestic and imported commercial grade product.

Cocaine

Preliminary estimates indicate that approximately 74-90 metric tons of cocaine were exported to the United States in 1984. Approximately 75 percent of this supply originated in Colombia, most of the rest in Bolivia and Peru.

Based on information obtained from intelligence sources, drug treatment clinics, and street studies units, it is estimated that "freebasing" (the inhaling of the fumes of a heated solution of cocaine and ether) is continuing to gain in popularity.

By 1983, cocaine had saturated the United States drug market, causing substantial wholesale price reductions, although since June 1984 this situation has stabilized. Currently, a kilogram of cocaine sells in Miami for between $33,000 and $38,000 in multikilogram quantities. At the national level, the wholesale price of a kilogram of cocaine has declined from a range of approximately $55,000 to $65,000 in 1982 to a range of approximately $40,000 to $50,000 at the end of 1984. The price of cocaine at the "street" or gram level has not reflected the sharp downward trend at the wholesale level. Nationally, a gram currently sells for $100 to $120, a price that has remained relatively stable over the last several years; bargain purchases as low as $50 a gram in Miami and $75 in New York City have been reported from time to time. Price movement at the street level has been evident only in the increasing availability of small and therefore relatively inexpensive packages of cocaine. The marketing of these packages is probably related to a rise in the use of "speedballs," a heroin/cocaine combination, rather than market pressure on the price per gram of cocaine. There is continued evidence of an adequate supply of cocaine with stable wholesale prices in most cities during the second half of 1984. (See Exhibit 4-2.)

. . . the rate of cocaine incidence on an annual basis had held relatively consistent from 1979 through 1984.

Not all cocaine smuggled into the United States arrives as processed cocaine. Due to the relative ease with which chemicals used to convert cocaine paste into powder are obtained in the United States, south Florida has developed into a burgeoning cocaine processing area. This is evidenced by the increasing number of cocaine conversion laboratories seized there. During 1984, 18 of the 22 cocaine laboratories seized nationwide were in the south Florida area. The number of cocaine conversion laboratories seized in the United States has risen steadily since 1980. Seizures rose from three in that year to five in 1981, six in 1982, eleven in 1983.

Domestic removals of cocaine reported by the DEA have soared in the past three years. (See Exhibit 4-6.) ("Removals" consists of those amounts confiscated and small amounts voluntarily sacrificed to or purchased by Federal agencies.) Nonetheless, the glut remains.

All available indicators of cocaine abuse and trafficking suggest an increase over the high levels reported in 1983. The abuse of cocaine is widespread and growing. During the last year there has been evidence of the spread of cocaine abuse from high-income users to drug abusers in the lower socioeconomic levels, including narcotics addicts.

Most of the increase in intravenous cocaine use has occurred within the narcotics using population, although in New York City and Miami there is some evidence of intravenous cocaine use among persons not previously addicted to heroin. This appears to be due to increased availability of cocaine in smaller packages, which, weighing less, are less expensive. These packages are used for speedballs. Within the addict community in Eastern cities, the use of heroin/cocaine speedballs continues to grow. Speedballs account for a third of all cocaine overdose episodes reported through hospital emergency rooms (See Exhibit 4-3.) The smoking of marijuana cigarettes coated with coca paste has been reported in New York and Miami.

Based on information obtained from intelligence sources, drug treatment clinics, and street studies units, it is estimated that "freebasing" (the inhaling of the fumes of a heated solution of cocaine and ether) is continuing to gain in popularity. This fact would suggest that both the intensity and frequency of use of cocaine among dependent individuals are increasing at an even greater rate than the prevalence or the frequency of cocaine use in the general population.

Treatment data for all persons reflect a 50 percent increase in primary cocaine admissions to public treatment facilities, although the absolute proportion of 8.5 percent of all drug admissions is low. Treatment data also suggest that a surprisingly large number of cocaine users (17.8 percent) do not initiate use until over the age of 25.

In the National Survey of High School Seniors conducted by the National Institute on Drug Abuse, approximately 5.8 percent of high school seniors report *monthly* use of cocaine in 1984; 12 percent report *yearly* use. Comparable 1976 figures were 2 percent for monthly users and 6 percent for annual users. The data also suggest that the period 1975-79 witnessed the greatest relative increase in new high school aged users, and that the rate of cocaine incidence on an annual basis had held relatively consistent from 1979 through 1984.

Heroin

The smuggling of opiates into the United States is estimated to have increased in 1983-84. (See Exhibit 4-1.) The number of Nigerian couriers smuggling Pakistani-produced heroin into the United States from Nigeria increased significantly while substantial increases in Mexican border smuggling were also noted.

> ***The most significant change in heroin trafficking patterns over the last several years involved the processing points of Southwest Asian heroin. This heroin is now composed primarily of Pakistani-refined heroin in lieu of the Italian processed product.***

Heroin originating in Iran, Pakistan, and Afghanistan still dominated the illicit heroin market throughout 1984. Its share of the United States market is now 49 percent. Southeast Asian heroin from opium grown in the "Golden Triangle" of Laos, Burma, and Thailand increased from 14 percent of the United States market in 1982 to its present 17 percent, while Mexican heroin commanded an overall 34 percent share. Indicators for Mexican heroin suggest continued increases in United States availability, primarily in the Southwest and on the Pacific Coast, and in Detroit, Chicago, and St. Louis. On the East Coast, heroin abuse and availability have [redacted] D.C., [redacted] increases have been noted. Overall levels of availability and abuse have increased very slightly since 1982.

The most significant change in heroin trafficking patterns over the last several years involved the processing points of Southwest Asian heroin. This heroin is now composed primarily of Pakistani-refined heroin in lieu of the Italian processed product. The relative share of Southwest Asia heroin in the United States market declined slightly from 54 percent in 1981 to 49 percent in 1984. The Pakistani home-processed share within that market grew rapidly while the portion routed through Sicily and Italy for processing decreased during this period.

According to seizure data and other intelligence reports, Pakistani and Afghan heroin is readily available despite the concerted efforts of the Government of Pakistan to control opium production. Although government efforts have been partly successful, it is believed that many lab operators simply moved their operations across the border into Afghanistan where they continue to produce both heroin base and heroin hydrochloride. Pakistan, however, remains the conduit for Southwest Asian heroin moving to Europe and the United States.

[redacted] anded rapidl [redacted] Los Angeles, and Detroit. While it is believed that the major share of heroin from Pakistan enters through New York, Miami has been reported as another east coast port of entry.

Lebanese trafficking groups are also active on the east coast and in the north central United States. During the past year, Lebanese trafficking activity increased significantly in New York, Detroit, and Boston—cities with large Lebanese communities having extended family connections in the United States, Canada, and Lebanon. The estimated share of the total United States heroin market trafficked by the Lebanese in 1984 was approximately 16 percent. This contrasts with the same period in 1983 when an estimated 6 percent of the market was handled by Lebanese (and some Syrian) traffickers. This trend coincides with increasing reports of heroin conversion laboratories in Lebanon.

Despite Thai use of the military in suppression efforts, there have been no indicators showing a scarcity in the availability of narcotics leaving Thailand for the international market. Kilogram prices for heroin have been dropping in Thailand, indicating a surplus. Additionally, some

La Cosa Nostra crime families on the U.S. east coast have consolidated contacts with sources of supply in Hong Kong and Thailand. Another group, consisting of illegal immigrants to the United States from the People's Republic of China, has infiltrated the Southeast Asia heroin market. This group is not one of the traditional "Triads" with roots in secret society history, but a new and relatively undefined threat.

64 ***Designer drugs result when chemists structurally modify well-known and controlled substances in order to produce analogs of these substances not covered by the Controlled Substances Act.***

A recent upswing in Mexican heroin availability has been blamed on the declining Mexican economy, coupled with the devaluation of the peso which has led to greater involvement by Mexican nationals in the producing and export of narcotics. Wholesale purities are at an all-time high. The principal heroin producing areas in Mexico continue to be Sinaloa, Durango, and the Guerrero states.

Heroin Substitutes and Analogs

The use of heroin substitutes, composed primarily of pharmaceutical narcotics and analgesics, is highly regionalized and composed of diverse patterns and trends. In Chicago, New Orleans, St. Louis, Dallas, and Buffalo, pentazocine (Talwin), combined with pyribenzamine or triplennamine ("T's and Blues"), has been a major narcotic of choice. In Miami, [redacted] traditionally been popular, while Newark, Chicago, Philadelphia, and Los Angeles dominate national trends in codeine combinations ("Hits," "Loads").

Some shift in user preference from pentazocine (Talwin) to codeine preparations and hydromorphone (Dilaudid) has been observed. This shift is partially the consequence of the decline in trafficking of T's and Blues which is attributable to the reformulation of Talwin (pentazocine) with a narcotic antagonist, an action voluntarily initiated by the manufacturer in early 1983 in order to decrease the abuse potential of the drug.

As addicts decrease their use of T's and Blues, Dilaudid is becoming the pharmaceutical opiate most commonly abused by intravenous addicts. Oxycodone (Percodan) remains a very popular oral dosage form of narcotic, particularly in the southern states.

New alternatives are continually being developed. Over the years, the scientific search for potent analgesics with limited dependence-producing liabilities has not been totally successful. It has often yielded synthetic chemicals which produce euphoria but with a physical dependence similar to heroin's. Clandestine laboratory operators search scientific literature for methods which can be used to produce these new synthetics and give them increased control over illicit narcotics production and trafficking.

The term "designer drugs" summarizes this phenomenon, first observed in California during the 1970s. Designer drugs result when chemists structurally modify well-known and controlled substances in order to produce analogs of these substances not covered by the Controlled Substances Act. Perhaps the best example of this phenomenon is the synthetic opiate fentanyl (a controlled substance) and its analogs. Fentanyl is a licit anesthetic used in most major surgical operations in the United States. Fentanyl is estimated to be approximately 80 times more potent than morphine. It is used illicitly as a heroin substitute as well as, in itself, a drug of choice. Recognizing that many analogs of the drug were not controlled, unethical chemists synthesized such an analog, alphamethyl fentanyl.

Alphamethyl fentanyl is estimated to be 300 times as potent as morphine. The illicit and uncontrolled nature of fentanyl analogs' manufacture leads to inconsistencies among batches. This fact, combined with the high potency of the various derivatives and difficulties in evenly distributing the drug during the procedure, contributes to the overdose potential of fentanyl analogs. Alphamethyl fentanyl was added to the Controlled Substances List in 1981. Almost immediately a new series of fentanyl analogs appeared on the market. During 1984 eight different fentanyl analogs from northern California were analyzed in federal laboratories. The fentanyl analog 3-methyl fentanyl, for example, was purchased in Brooklyn, New York, by DEA in July 1984. The suspects in this case indicated that their source of supply was in Califor-

This complex pattern of abuse is, perhaps, nowhere more evident than in the category of dangerous drugs.

nia. This analog is at least 10 times more potent than fentanyl, 1,000 to 2,000 times more potent than morphine.

Based on tissue analysis conducted by the University of California, 10 of the overdose deaths reported in the South Bay area of San Francisco in August 1984 were related to 3-methyl fentanyl. Fentanyl analogs proliferate in the San Francisco-Oakland Bay areas, including Marin and San Mateo Counties. During September 1984 the San Mateo County Crime Laboratory handled 60 to 70 fentanyl related cases. Another analog, Benzyl fentanyl was believed to be involved in several overdoses in Indio, California, during September 1984. The drugs involved were similar to samples found in San Diego. Drug treatment programs in the Bay area also have reported an increase in fentanyl use by clients.

From a user point of view, fentanyl and heroin are similar enough to make them easily interchangeable. Fentanyl can be packaged in papers, balloons, tin foil, or coin holders and is adulterated with the same diluents as heroin. Experienced heroin users reported great satisfaction with fentanyl. There is increased evidence of the use of fentanyl, known on the street as "synthetic heroin."

Dangerous Drugs

The drug abuse situation remains complex. Polydrug abuse is now the norm rather than the exception among users of all classes of drug. This complex pattern of abuse is, perhaps, nowhere more evident than in the category of dangerous drugs.

After a period of decline methamphetamine abuse and trafficking have recently increased. The use of oral dosage forms of amphetamine has continued to decline as a long range trend, probably reflecting the curtailment of supplies diverted from legitimate sources.

The trend of diminishing availability and abuse of methaqualone first noted during 1981 has continued in 1983 and 1984. Methaqualone abuse continues to decline due to shortages of bulk methaqualone powder, a consequence of international controls which have now been adopted by virtually all major producing and exporting countries. The bulk of purported Quaalude tablets available in the United States in 1984 was counterfeit, generally containing an alternative depressant or sedative substance such as diazepam or phenobarbital. Currently, the focus of illicit methaqualone trafficking remains in Florida and the Southeast and is likely to remain so simply due to the prevalence of well-established methaqualone trafficking groups in that area.

Available intelligence suggests that abusers are becoming wary of counterfeit Quaaludes due to the generally poor quality of the product as well as erratic and fluctuating potency. Increasingly, diazepam tablets and capsules, which retail for approximately $1, are supplanting methaqualone as the street depressant of choice.

[redacted], New York, and Los Angeles. Additionally, there is growing evidence of the increased importance of both heroin/PCP and cocaine/PCP combinations in the illicit retail traffic. Both the illicit distribution and manufacture of this drug are dominated by Black and Hispanic traffickers and the demographics of the abusing population accurately reflect those of the dealers. The major exception to this pattern is in the Queens/Long Island area of New York where PCP is widely abused by white males, aged 15 to 25 years.

National Drug Data Tables

The following exhibits reflect national data for each of the years beginning with 1981. The exhibits are arranged in these categories: The Market (Exhibits 4-1 and 4-2), Use and Abuse (Exhibit 4-3), and Drug Law Enforcement (Exhibits 4-4, 4-5 and 4-6). The data source is identified for each table. Law enforcement data are based on Federal activity alone and do not reflect the extensive efforts of State and local authorities.

Exhibit 4-1
Importation/Production

	CY81	CY82	CY83	CY84
Heroin (metric tons)	3.89	4.08	4.12	
Cocaine (metric tons)	34-45	45-54	50-61	
Marijuana (metric tons)	9,600	12,340	13,606	
Dangerous Drugs (MDU)*	3,280	3,030	2,660	

*Million dosage units

Source: DEA, NNICC, Narcotics Intelligence Estimates, 1983.

Exhibit 4-2
Retail Prices

	CY81	CY82	CY83	CY84
Heroin (per milligram)	$2.34	$2.31	$2.50	$2.34 (E)
Purity (percent)	3.9	5.0	4.5	4.7 (E)
Cocaine (per gram, 30% pure)	$100	$100-125	$100-125	$100-120*
Commercial Grade Marijuana (per ounce)		$30-50	$40-65	$40-65*

(E) Estimated

*November 1984

Source: DEA data.

Exhibit 4-3
Emergency Room Mentions

	CY81	CY82	CY83	CY84
Heroin	9,667	12,640	12,663	12,000 (E)
Cocaine	4,781	6,180	7,194	9,900 (E)
Marijuana	4,678	5,293	5,590	5,400 (E)
Dangerous Drugs	15,909	15,134	12,870	11,550 (E)

(E) Estimated

Source: DEA data

Exhibit 4-4
Drug Arrests

	CY81	CY82	CY83	CY84
Heroin	2,526	2,218	2,098	
Cocaine	4,289	4,415	5,113	
Marijuana	3,726	3,683	3,770	
Dangerous Drugs	2,337	2,387	1,826	
Total	12,878	12,701	12,807	13,000 (E)

(E) Estimated

Source: DEA, Offender Based Transaction System

Exhibit 6-5
Convictions

	CY81	CY82	CY83	CY84
Heroin	1,087	1,162	1,982	
Cocaine	1,998	2,121	3,473	
Marijuana	1,386	2,538	3,198	
Dangerous Drugs	1,348	1,167	1,849	
Total	5,819	7,988	10,400*	10,000* (E)

(E) Estimated

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*Improved quality control procedures introduced in 1983 have resulted in the late reporting of a portion of the convictions.

Source: DEA, Offender Based Transaction System

Exhibit 6-6
Drug Removals*

	CY81	CY82	CY83	CY84
Heroin (kilos)	231	305	495	385
Cocaine (kilos)	3,205	9,763	18,027	12,390
Marijuana (kilos)	3,078,696	1,022,551	1,948,771	2,446,373
Dangerous Drugs (MDU)	139,936	13,908	21,056	37,739

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*Includes seizures, purchases, and samples

Source: Coast Guard, plus DEA data for all other agencies

The Barons of Pot

"The Barons of Pot," that's what the Ann Arbor *News* labelled brothers Ned and Fred Shure after their arraignment. By that time, the information had surfaced in various trials that the Shures were leaders of one of the largest marijuana organizations in Michigan. This was made especially newsworthy by the fact that Ann Arbor had achieved its own national notoriety some years earlier when it made the penalty for smoking marijuana a mere $5 fine.

Fred Shure is a 50-year-old Harvard graduate. He received a doctorate in physics from the University of Michigan, where he was a professor of nuclear engineering from 1955 until 1981 when the investigation began. He and brother Ned own a student book store adjacent to the 30,000-student campus of Eastern Michigan University in nearby Ypsilanti. The Shures are active and well-known businessmen who own many real estate properties in the Ann Arbor area. In 1979 they even purchased the largest building in Flint, Michigan, an 18-story office building.

The Shures enjoyed a modest lifestyle in Ann Arbor which belied the true extent of their illegal activities and wealth. An investigation of the Shures began in September 1981 as part of an ongoing grand jury task force operated in Detroit, known as Operation Citadel. The participating agencies at that time consisted of the Internal Revenue Service and the Drug Enforcement Administration. In 1982 the Federal Bureau of Investigation joined this Task Force.

Witnesses contacted throughout the investigation were generally uncooperative, either because they were business and personal friends of the Shures who couldn't believe they were involved in illegal activity, or because the witnesses themselves were involved in the illegal activity. Immediately after being contacted by an agent, most witnesses would call one of the Shures who would refer them to an attorney. During the investigation, 25 witnesses claimed their Fifth Amendment privilege, several fled the state, and a large number of others were uncooperative or obstructive. The Shures were confident that they were insulated from prosecution by the circle of friends that protected them, by the business acumen that had legitimized their illegal income, and by their clandestine methods of importing marijuana.

In late 1982 the members of the Operation Citadel Task Force began to pull the pieces of the puzzle together. The FBI in Michigan learned of a major grand jury investigation in Virginia. Marijuana was being imported there, and some of it was then transported to Michigan. A cooperating witness in Norfolk identified the financiers and recipients of 60,000 pounds of marijuana in 1980 as "Jim and Jeff," two brothers from Ann Arbor. DEA had recently broken up a major marijuana organization in New Orleans. In this case the financiers of a 60,000-pound load were identified as "Jim and Jeff Stern from Detroit."

At this point, the Great Lakes Region of the OCDE Task Force Program was formed and "The Barons of Pot" became one of the original Task Force cases. In April of 1983 the Shures were indicted in New Orleans on four counts of importation of marijuana, a 15 year felony violation. Recognizing their continuing liability in Virginia and Michigan, Ned and Fred Shure signed a plea agreement in May 1983, requiring them to plead guilty to one tax and two drug counts, making them each liable for fines of up to $260,000 and permitting sentences of up to 35 years in prison. They also agreed to cooperate fully with the Government and testify in court regarding their illegal activities.

The Shure brothers testified that they had been involved in the distribution of marijuana since 1970. Between 1977 and 1981 they distributed over 250,000 pounds of marijuana in Michigan and California, importing the loads through Florida, Louisiana, Virginia, and California. Throughout this period, they had earned and spent millions of dollars on ventures and misadventures involving their marijuana marketing activity. They had owned several planes to transport marijuana, two of which crashed. They invested over $1 million in a boat that burned before they got a chance to ship the first load of marijuana. They had flown all over the world to arrange marijuana shipments, always using false names so as not to be identified. To hide some of their illegal income they laundered it through their legitimate businesses and maintained cash hoards in excess of $500,000 in gold and silver stored in California and Canada.

The Shures had nine employees in Michigan who transported, bagged, and processed the marijuana, and eight who were distributors. By the end of 1984 eight of these 17 had pleaded guilty to various tax and drug counts and more pleas were expected.

The testimony of the Shures has had a significant impact on other Task Forces, for example:

In addition to transporting marijuana from various ports of entry into Michigan, the Shures imported marijuana into California and had a separate organization to distribute it there. One of the California partners was Bruce Perlowin, who was also involved in a money laundering scheme out of Florida. He was charged in Tampa in early 1983 with RICO and with conspiracy to defraud the government.

In December 1984 Perlowin decided to plead guilty not only to the charges in Florida, but also to Continuing Criminal Enterprise in California. He was sentenced to 15 years in prison on the two charges, and property valued at $2.4 million was forfeited. In addition to Perlowin, two other individuals pled guilty to tax and drug charges in Florida. Others were indicted and the Shures will testify against them in subsequent trials.

Since early 1983, two men have been under investigation by the IRS in Denver. The Shures had financial and drug dealings with both of these individuals, who had operated in California as well. One is a close friend of the Shures and is expected to sign a plea agreement and cooperate. IRS agents in Colorado have joined in a California grand jury investigation into the Shure organization.

On March 28, 1984, the Shures were sentenced in the courtroom of Judge Charles W. Joiner in Ann Arbor. While the Shures were liable for a substantial sentence, their lawyer, a former U.S. Attorney, argued that their cooperation went above and beyond the call of the plea agreement, and therefore they should be given special consideration. He cited letters from U.S. Attorneys' Offices throughout the country as evidence of the Shures' cooperation. He indicated to the court that a fair sentence would have to be below the parole guidelines of 40-52 months, otherwise their cooperation would have been totally unrewarded.

The judge didn't see it that way. Cognizant of the community interest in this case, the judge, in a 25-minute sentencing speech, laid out his reasons for the sentence he was about to give. He acknowledged that the Shures were fine family men but he said this was not a factor that should influence judges in connection with sentences to be imposed. Then, focusing on the cooperation of the Shures, as their own attorney had done, he stated that he believed the Shures had already received the benefit of their cooperation by being charged with a lesser crime. He sentenced each of the Shures to seven years in prison on each drug count and five years in prison for the tax charge, with the sentences to be concurrent. He further imposed the maximum fine for each count, a total of $260,000 each. These penalties are in addition to the $555,000 in taxes, interest, and penalties the Shures owe the Internal Revenue Service.

It will be years before the full impact of Ned and Fred Shures' cooperation and testimony can be evaluated. It has set in motion a chain reaction in the drug community all across the country. As drug organizations collapsed under the weight of the Shures' testimony, more witnesses have cooperated and other organizations have been exposed. Through this Organized Crime Drug Task Force Program investigation, new and significant tax and drug cases will be generated for the next several years.

Task Force Results

5

The following chapter presents Task Force Program data from the creation of the Program through December 31, 1984. Exhibits 5-1 through 5-6 describe the investigations initiated by the Task Forces. Exhibits 5-7 through 5-10 present data about the indictments and informations returned in Task Force cases, Exhibits 5-11 and 5-12 describe the defendants charged in those cases, and Exhibits 5-13 through 5-15 show the disposition of the charges. Exhibits 5-16 through 5-19 illustrate the assets removal activities of the Task Forces. Most of these data were derived from the OCDE Task Force Program Case Monitoring System.

Since the program was created, the Task Forces have initiated 804 investigations, 335 (41.7 percent) of which have resulted in at least one indictment or information. A total of 953 indictments and informations have been returned charging 3,733 defendants. As of December 31, 1984, 1,408 defendants had pled guilty or been found guilty in Task Force cases.

The Task Forces are identified in the Exhibits as follows:

FC	Florida/Caribbean
GL	Great Lakes
GC	Gulf Coast
LA	Los Angeles/Nevada
MA	Mid-Atlantic
MS	Mountain States
NE	New England
NY	New York/New Jersey
NC	North Central
NW	Northwest
SC	South Central
SE	Southeast
SW	Southwest

Data for the four Federal judicial districts that were reassigned to different regions on October 1, 1984 are included in the statistics for their new regions. (See Chapter 2.)

Exhibits 5-1 and 5-2 show the type and scope of the criminal organizations targeted in Task Force investigations. More than one organization is targeted in some investigations. A total of 804 investigations were initiated, nearly half of which (395) targeted at least one organization whose primary purpose is drug trafficking. One-third of the investigations (34.1 percent) targeted criminal groups primarily engaged in other felony crimes, but whose members also engaged in drug trafficking. Sixty-two Task Force investigations (7.7 percent) targeted traditional organized crime (LCN) families, 49 investigations (6.1 percent) targeted motorcycle gangs, 11 (1.4 percent) targeted prison gangs, and 14 (1.7 percent) targeted registrants or individuals having legal authority over controlled substances.

Nearly half of the Task Force investigations (48.3 percent) targeted organizations whose illicit activities were international in scope. Because the Task Force program emphasizes regional enforcement activities, 44.5 percent of the investigations targeted organizations whose activities span two or more Federal judicial districts. Only 55 investigations (6.8 percent) targeted organizations whose criminal activities were limited to single Federal judicial districts.

Exhibits 5-3 and 5-4 reveal the drugs and criminal activities under investigation by the Task Forces. Note that more than one type of drug or activity may be involved in a single investigation. More investigations involved cocaine than any other drug (73.6 percent of the investigations).

Most Task Force investigations (93.7 percent) examined some form of drug distribution. The investigations also probed importation (62.8 percent), money laundering (53.2 percent), and financial backing of drug trafficking (43.0 percent). Relatively few Task Force investigations explored crop cultivation (5.7 percent) or drug diversion (3.0 percent).

Exhibit 5-5, Proposed Investigative Techniques, illustrates the variety of investigative techniques the Task Forces are able to employ. This table shows the techniques Task Force participants *anticipated* would be used at the time the investigations were initiated. Note that use of more than one technique is planned in most investigations. (No regional breakdown is indicated for reasons of investigative sensitivity.) The most common proposed techniques were financial investigation (71.6 percent of investigations), use of investigative grand juries (70.9 percent), undercover operations (64.6 percent), and immunities (50.5 percent).

Exhibit 5-6, Law Enforcement Agency Participation, underscores the Task Force Program's emphasis on multiagency investigations. It illustrates the various Federal, State, and local law enforcement agencies participating in Task Force investigations and prosecution. This exhibit shows the number of investigations to which each agency *expected* to commit personnel at the time they were initiated; more than one agency is involved in nearly all investigations. DEA, FBI, and IRS each expected to participate in at least two-thirds of the investigations initiated. Customs and ATF anticipated their participation in 48.5 percent and 34.8 percent of the investigations, respectively.

Exhibits 5-7 through 5-12 describe the 953 indictments and informations returned in Task Force cases through December 31, 1984. Charges have been brought in 41.7 percent of the investigations initiated as of that date. A total of 3,733 defendants have been charged.

Exhibits 5-7 and 5-8 delineate the drugs involved and criminal activities charged in the indictments and informations returned by the Task Forces. Note that more than one drug or activity is often involved in a single case. Cocaine-related offenses were charged more often than those of any other drug (44.4 percent of the cases). Marijuana offenses were charged in 283 indictments (29.7 percent) and methamphetamine offenses were charged in 125 indictments (13.1 percent). Some indictments and informations did not allege any drug offenses, primarily cases involving money laundering and other financial offenses.

Over 80 percent of the Task Force indictments (781) charged drug distribution and almost a third charged importation (291).

Exhibit 5-9, Investigative Techniques Used, reveals the variety of investigative techniques employed by the Task Forces in those cases that resulted in charges. Note that more than one technique is used in most investigations. (No regional breakdown is indicated for reasons of investigative sensitivity.) The investigative techniques most commonly employed were: extended surveillance (46.5 percent of indictments), investigative grand juries (41.6 percent), immunity (38.0 percent), undercover operations (35.3 percent), and financial investigations (35.3 percent).

Exhibit 5-10, Law Enforcement Agency Participation, delineates the various Federal, State, and local law enforcement agencies, as well as foreign government agencies, that participated in those Task Force cases resulting in charges. Because the Task Force Program emphasizes multiagency investigations, more than one agency is involved in virtually all investigations. Foreign government agencies participated in 40 investigations (4.2 percent).

Over two-thirds of the Task Force indictments and informations were a result of investigations in which DEA was involved. The FBI and IRS each participated in over half.

Exhibits 5-11 and 5-12 describe the defendants charged in Task Force cases. Exhibit 5-11 shows the variety of roles the defendants played in the targeted criminal organizations. The defendants charged to date have included leaders of criminal organizations (33.4 percent of named defendants) and major drug suppliers and distributors (21.8 percent). Fifteen of the defendants were described as corrupt public officials.

Exhibit 5-12 presents the numbers of defendants charged with various offenses. Note that many defendants were charged with more than one offense. Title 21 offenses of conspiracy and distribution were the most common offenses charged: three-quarters of the defendants (2,793) were charged with conspiracy and nearly half (1,722) were charged with distribution. Thirty percent of the defendants (1,121) were charged with other offenses, including use of a communications facility, possession with intent to distribute, and conspiracy to defraud the government.

Exhibits 5-13 through 5-15 present disposition and sentencing information for Task Force cases. Exhibit 5-13 illustrates the dispositions of defendants in Task Force cases that have been adjudicated through December 31, 1984. Of the defendants charged, 72.4 percent pled guilty to at least one charge and 17.9 percent were found guilty (by judge or jury) on at least one charge. Slightly over 3 percent of the defendants were acquitted on all charges while 6.4 percent had all of their charges dismissed. The 1,408 defendants who were guilty of at least one charge do not include defendants whose sentences were pending at year's end.

Exhibit 5-14 displays the array of charges for which defendants were convicted and the number of convictions per offense category (defendants were often convicted of more than one offense). The major offenses include Title 21 conspiracy (34.9 percent) and distribution (27.8 percent). Other convictions included 165 Title 21 importation charges, 119 Interstate Transportation in Aid of Racketeering (ITAR) charges, 104 RICO and 60 CCE charges. The 3,110 convictions include those for defendants whose sentences were pending as of the end of the year.

Net prison term ranges and the number of defendants sentenced to each term are identified in Exhibit 5-15. A total of 276 defendants (19.6 percent) were not sentenced to prison, but received suspended sentences, probation, or another sentencing option. Less than half (47.7 percent) of all defendants convicted and sentenced received prison terms of five years or less. Many defendants (268) received sentences of six to ten years. Forty-four defendants received prison terms of over 20 years; of those, five received terms of more than 65 years, including one life sentence imposed for operating a Continuing Criminal Enterprise.

Exhibits 5-16 through 5-19 describe the asset removal activities of the Task Forces through December 31, 1984. As Exhibit 5-16 shows, the Task Forces have seized a total of 214 kilos of heroin, 13,282 kilos of cocaine, and over 500,000 kilos of marijuana. The largest combined seizures of each type of drug include 107 kilos of heroin and 3,385 kilos of cocaine from the New York/New Jersey Region and 126,646 kilos of marijuana from the New England Region.

Exhibits 5-17 and 5-18 show that $76,279,000 in cash, and property valued at $81,338,000 have been seized. In addition, $12,330,000 in cash and $39,715,000 in property have been forfeited through the efforts of the Task Forces. The largest forfeitures have occurred in the Southeast Region, where a total of $13,577,000 in cash and property have been forfeited to the government. $9,624,000 in fines have been assessed in Task Force cases. The largest number of fines have been levied in the Mid-Atlantic, Southeast, and Great Lakes regions.

Exhibit 5-1
Type of Criminal Organizations Targeted in Investigations Initiated through December 31, 1984

Type	Number of Investigations*														Percentage of Investigations N = 804**
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	
Drug Trafficking Organization	21	38	33	19	49	31	16	44	35	39	38	20	12	395	49.1%
Other Criminal Group	23	22	35	21	25	8	13	18	22	20	23	26	18	274	34.1%
LCN	5	4	1	2	9	2	12	21	1	0	4	0	1	62	7.7%
Motorcycle Gang	1	6	3	2	8	4	2	3	4	6	5	2	3	49	6.1%
Registrant	0	1	0	1	3	0	0	0	5	0	3	1	0	14	1.7%
Prison Gang	0	0	1	0	[illegible]	0	0	1	1	1	1	1	0	11	1.4%
Total Unspecified														24	3.0%

Legend

LCN: "La Cosa Nostra," traditional organized crime families
Drug Trafficking Organization: Organizations whose primary purpose is drug trafficking
Other Criminal Group: Organizations involved in felony crimes whose members also engage in drug trafficking
Motorcycle Gang: Organizations controlled by motorcycle clubs
Prison Gang: Organizations controlled by prison inmates
Registrant: Persons who subvert legal authority over controlled substances

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* The number of investigations in which at least one organization of this type was targeted.

** The number of investigations initiated by the Task Forces. The percentages show the frequency of involvement for each type of organization. More than one type of organization is involved in some investigations.

Exhibit 5-1 (Continued)

Organized Crime Drug Enforcement Task Force Program

TYPE OF CRIMINAL ORGANIZATIONS TARGETED

In Investigations Initiated Through December 31, 1984

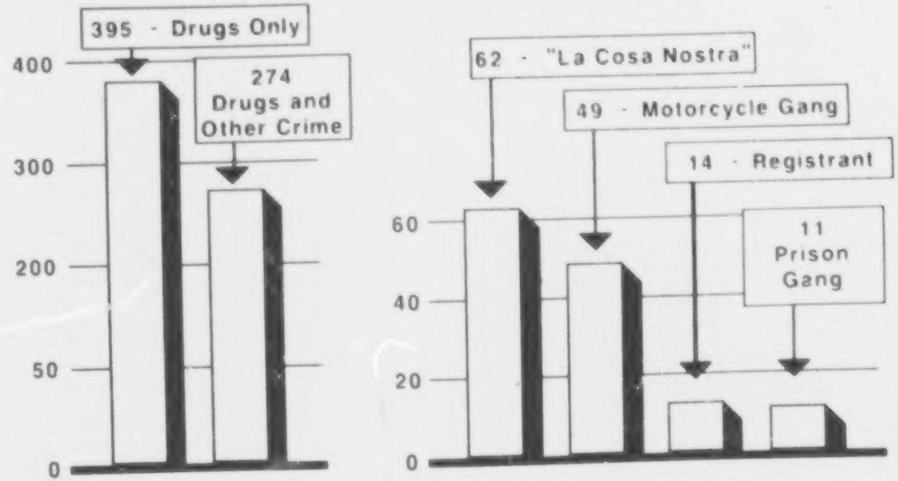

Exhibit 5-2
Scope of Criminal Organizations Targeted in Investigations Initiated through December 31, 1984

Scope	Number of Investigations*														Percentage of Investigations N = 804**
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	
International	26	34	48	32	40	17	26	60	15	19	19	27	45	388	48.3%
Multi-district	17	35	24	12	[illegible]	27	16	20	44	35	46	22	6	358	44.5%
Single district	6	2	3	1	7	0	1	6	8	11	6	3	1	55	6.8%
Total Unspecified														26	3.2%

Legend

International: Criminal activities that include substantial international drug trafficking.
Multi-District: Criminal activities in two or more Federal judicial districts.
Single District: Criminal activities limited to one Federal judicial district.

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* The number of investigations in which at least one organization of this geographic scope was targeted.

** The number of investigations initiated by the Task Forces. The percentages show the frequency of investigations within each category. More than one organization is involved in some investigations.

Exhibit 5-2 (Continued)

Organized Crime Drug Enforcement Task Force Program

SCOPE OF CRIMINAL ORGANIZATIONS TARGETED

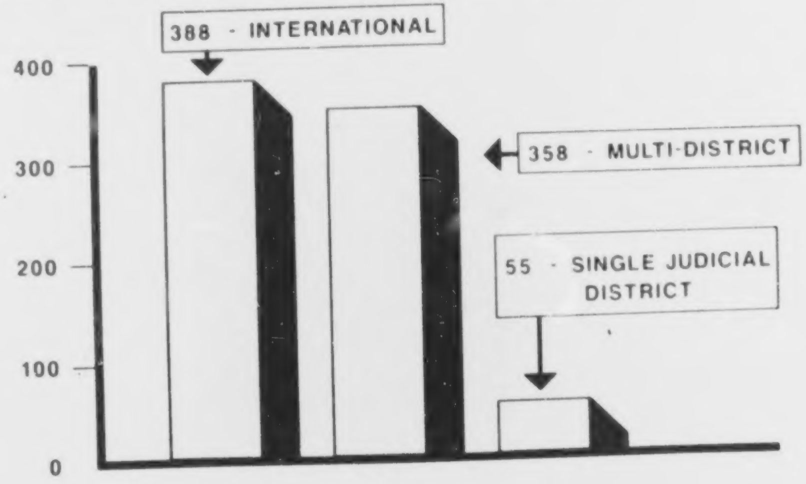

Exhibit 5-3
Drugs Involved in Investigations Initiated through December 31, 1984

Drug	Number of Investigations Involving Drug														Percentage of Investigations N = 804*
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	
Cocaine	32	57	65	31	61	36	32	62	55	49	51	37	24	592	73.6%
Marijuana	42	33	53	7	26	22	25	12	36	26	42	33	23	380	47.3%
Heroin	4	19	14	13	27	5	13	39	11	14	8	6	7	180	22.4%
Methamphetamine	0	8	14	4	22	10	2	10	7	9	11	4	5	106	13.3%
Methaqualone	8	10	6	2	3	0	1	3	4	1	9	9	2	58	7.2%
Hashish	1	7	4	0	6	2	7	5	4	4	2	4	3	49	6.1%
PCP	1	4	4	1	5	0	0	1	4	0	6	0	1	27	3.4%
Pharmaceutical	0	2	3	1	4	4	1	0	6	0	5	1	0	27	3.4%
Other	0	2	3	2	7	0	3	5	3	2	9	0	2	38	4.7%
Total Unspecified														16	2.0%

* The number of investigations initiated by the Task Forces. The percentages show the frequency of mentions for each drug. More than one drug is involved in many investigations.

Exhibit 5-3 (Continued)

Organized Crime Drug Enforcement Task Force Program

DRUGS INVOLVED

In Investigations Initiated Through December 31, 1984

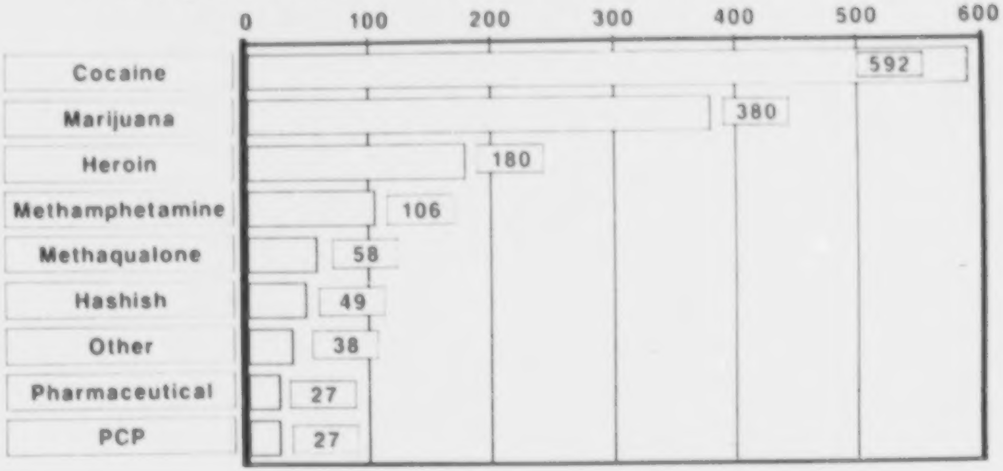

Exhibit 5-4
Type of Criminal Activities Involved in Investigations Initiated through December 31, 1984

	Number of Investigations Involving Activity														Percentage of Investigations
Activity	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 804*
Distribution	46	63	72	42	[redacted]	44	40	79	64	66	67	48	30	753	93.7%
Importation	42	36	62	34	[redacted]	25	33	56	56	46	28	34	27	505	62.8%
Money Laundering	27	36	46	31	[redacted]	22	22	42	35	38	31	35	25	428	53.2%
Financial Backing	24	30	37	22	[redacted]	9	29	45	25	26	23	31	13	346	43.0%
Street Sales	14	33	36	10	[redacted]	16	26	21	34	9	31	18	6	289	35.9%
Manufacture	7	8	16	8	[redacted]	9	2	16	11	10	14	6	10	142	17.7%
Crop Cultivation	4	3	8	1	[redacted]	3	1	0	3	5	9	4	5	46	5.7%
Diversion	2	1	0	1	[redacted]	1	1	0	2	0	7	2	2	24	3.0%
Other	8	1	8	3	[redacted]	1	1	6	2	4	6	2	7	52	6.5%
Total Unspecified														9	1.1%

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* The number of investigations initiated by the Task Forces. The percentages show the frequency for each category of illicit activity under investigation. More than one activity is involved in most investigations.

Exhibit 5-4 (Continued)

Organized Crime Drug Enforcement Task Force Program

TYPE OF CRIMINAL ACTIVITIES INVOLVED

In Investigations Initiated Through December 31, 1984

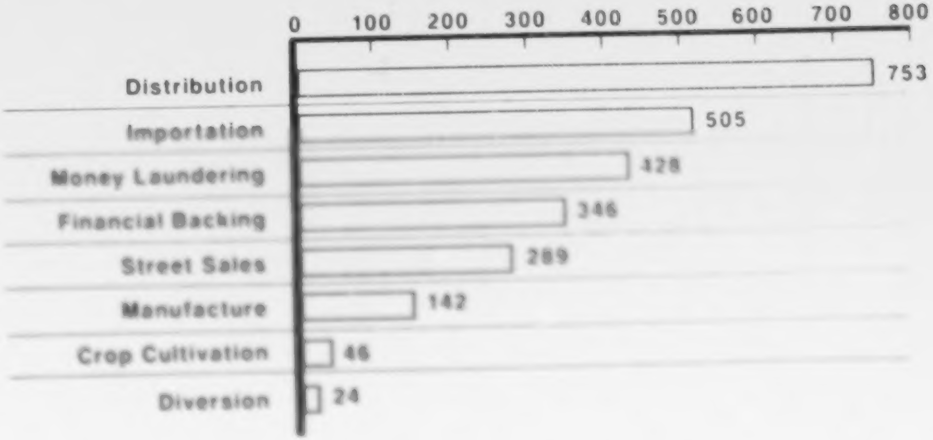


Exhibit 5-5
Investigative Techniques Proposed* in
Investigations Initiated through December 31, 1984

82

Technique	Number of Investigations**	Percentage of Investigations N = 804***
Financial Investigation	576	71.6%
Investigative Grand Jury	570	70.9%
Undercover	519	64.6%
Immunity	406	50.5%
Tax Grand Jury	355	44.1%
Title III	351	43.7%
Witness Security	253	31.5%
Extradition	56	7.0%
Parole into U.S.	7	0.9%
Other	117	14.5%
Unspecified	17	2.1%

---

* The major investigative techniques personnel anticipated would be used at the time the investigations were initiated. No regional breakdown is indicated for reasons of investigative sensitivity.

** The number of investigations in which this technique was proposed.

*** The number of investigations initiated by the Task Forces. The percentages show the frequency with which each technique was proposed. More than one technique is proposed in virtually all investigations.

Exhibit 5-6
Law Enforcement Agency Participation in Investigations Initiated through December 31, 1984

Agency	Number of Investigations*														Percentage of Investigations N = 804**
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	
DEA	33	45	73	33	[illegible]	37	42	71	58	62	61	36	29	668	83.1%
FBI	18	50	64	22	[illegible]	41	36	39	53	57	47	48	23	566	70.4%
IRS	19	50	63	27	[illegible]	20	24	42	50	46	49	45	26	531	66.0%
Customs	12	29	52	30	[illegible]	19	15	30	30	31	11	38	24	390	48.5%
ATF	10	18	52	6	[illegible]	17	13	24	26	56	19	24	9	280	34.8%
Local Investigators	15	19	26	10	[illegible]	23	15	35	26	21	34	14	10	273	34.0%
State Investigators	16	14	28	8	[illegible]	21	16	21	15	10	23	33	6	236	29.3%
U.S. Marshals Service	3	18	10	2	[illegible]	9	5	7	7	4	4	7	9	112	13.9%
Coast Guard	2	9	9	3	[illegible]	2	6	3	2	6	3	8	7	64	8.0%
Local Prosecutors	3	2	8	4	[illegible]	8	6	16	4	0	5	3	1	69	8.6%
State Prosecutors	0	3	6	2	[illegible]	9	7	5	4	0	7	6	3	54	6.7%
Organized Crime Strike Force	2	1	4	4	[illegible]	1	10	8	1	2	1	2	0	45	5.6%
Other	4	6	7	5	[illegible]	1	8	11	20	2	3	2	2	77	9.6%
Total Unspecified														39	4.8%

---

* The number of investigations in which this agency *expected* to participate, at the time the investigations were initiated.

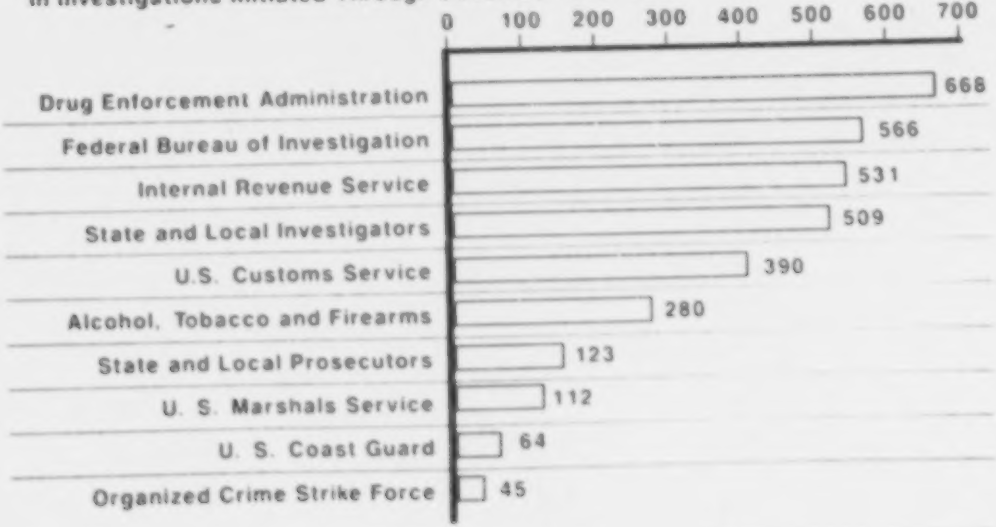
** The number of investigations initiated by the Task Forces. The percentages show the frequency of anticipated involvement for each type of agency. More than one agency is involved in almost all cases.

Exhibit 5-6 (Continued)

Organized Crime Drug Enforcement Task Force Program

LAW ENFORCEMENT AGENCY PARTICIPATION*

In Investigations Initiated Through December 31, 1984



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* The number of investigations in which this agency expected to participate, at the time the investigations were initiated.

Exhibit 5-7
Drugs Charged in Indictments and Informations Returned through December 31, 1984

Drug	Number of Indictments and Informations*														Percentage
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 953**
Cocaine	10	57	34	14	28	32	26	43	36	36	65	26	16	423	44.4%
Marijuana	8	38	30	3	29	20	14	15	29	25	16	30	26	283	29.7%
Methamphetamine	0	23	6	0	54	10	2	9	3	8	6	0	4	125	13.1%
Heroin	0	12	9	5	[illegible]	2	5	22	6	3	9	8	2	121	12.7%
Methaqualone	1	7	5	0	1	0	1	3	4	1	6	2	3	34	3.6%
Hashish	1	2	0	0	5	2	5	4	0	1	1	8	2	31	3.3%
Pharmaceutical	0	2	1	0	2	2	0	0	4	0	2	2	0	15	1.6%
PCP	0	0	0	0	6	0	0	1	1	0	2	0	1	11	1.2%
Other	0	4	0	1	27	2	2	9	6	3	6	2	1	63	6.6%
None or Unspecified***														97	10.2%

---

* The number of indictments and informations in which this drug was charged.

** The number of indictments and informations returned in Task Force cases. The percentages show the frequency of mentions for each drug. More than one drug is charged in many indictments and informations.

*** Includes indictments and informations which do not allege any drug offenses, primarily those involving money laundering and financial offenses.

Exhibit 5-7 (Continued)

Organized Crime Drug Enforcement Task Force Program

DRUGS CHARGED

In Indictments and Informations Returned Through December 31. 1984

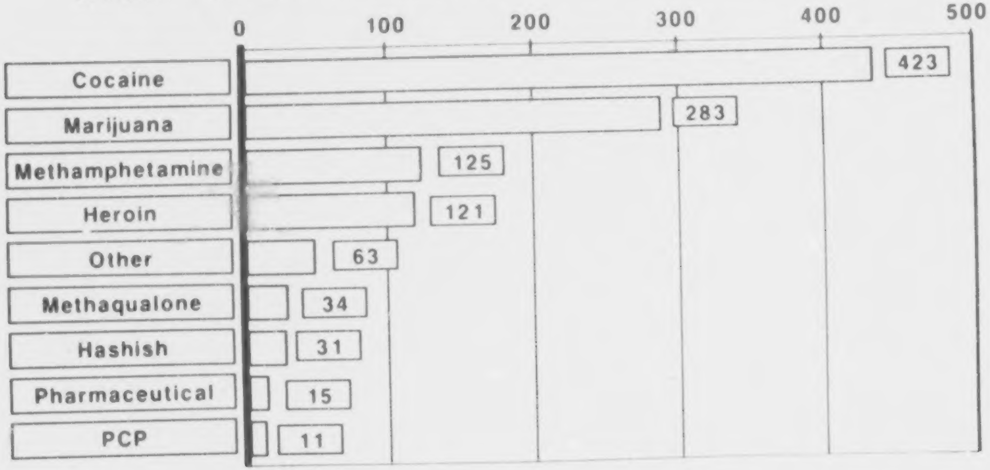


Exhibit 5-8
Type of Criminal Activities Charged in Indictments and Informations Returned through December 31, 1984

Activity	Number of Indictments and Informations*														Percentage
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 953**
Distribution	14	126	59	19	139	54	36	55	53	64	79	51	32	781	82.0%
Importation	10	11	37	6	25	8	17	30	18	34	36	32	27	291	30.5%
Street Sales	0	8	12	1	14	24	12	22	16	9	39	12	4	173	18.2%
Financial Backing	7	3	6	2	25	3	9	23	7	27	34	9	12	167	17.5%
Money Laundering	7	6	9	6	16	6	9	12	15	19	31	7	16	159	16.7%
Manufacture	0	1	7	6	[illegible]	16	1	8	4	9	31	0	5	99	10.4%
Crop Cultivation	0	1	1	1	[illegible]	5	1	0	0	0	25	0	5	40	4.2%
Diversion	0	1	0	0	[illegible]	0	0	0	5	0	22	0	0	28	2.9%
Other	6	3	7	1	[illegible]	2	3	14	6	5	8	3	21	130	13.6%
Total Unspecified														60	6.3%

---

* The number of indictments and informations in which this activity was charged.

** The number of indictments and informations returned in Task Force cases. The percentages show the frequency for each category of illicit activity charged. More than one activity is charged in most cases.

Exhibit 5-8 (Continued)

Organized Crime Drug Enforcement Task Force Program

TYPE OF CRIMINAL ACTIVITIES CHARGED

In Indictments and Informations Returned Through December 31, 1984

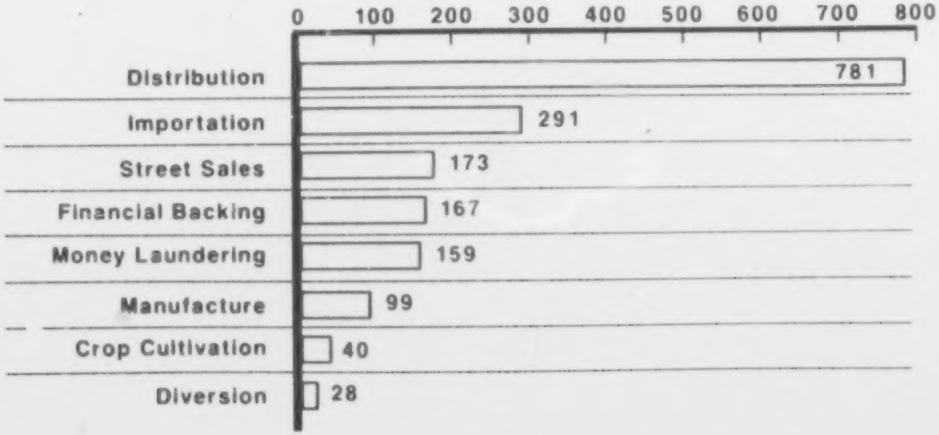


Exhibit 5-9
Investigative Techniques Used* for Indictments and Informations Returned through December 31, 1984

Technique	Number of Indictments and Informations**	Percentage N = 953***
Extended Surveillance	443	46.5%
Investigative Grand Jury	396	41.6%
Immunity	362	38.0%
Undercover	336	35.3%
Financial Investigation	336	35.3%
Tax Grand Jury	232	24.3%
Witness Security	231	24.2%
Title III	224	23.5%
Extradition	24	2.5%
Mutual Judicial Assistance Treaty	11	1.1%
Parole into U.S.	3	0.3%
Other	107	11.2%
Unspecified	144	15.1%

---

* The major investigative techniques used during investigation and prosecution. No regional breakdown is indicated for reasons of investigative sensitivity.

** The number of indictments and informations for which this technique was used.

*** The number of indictments and informations returned in Task Force cases. The percentages show the frequency with which each technique was used. More than one technique is involved in most cases.

Exhibit 5-10
Law Enforcement Agency Participation in Investigations Resulting in Charges through December 31, 1984

Agency	Number of Indictments and Informations*														Percentage
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 953**
DEA	11	34	61	14	[illegible]	24	35	74	51	57	78	59	51	699	73.3%
FBI	5	49	48	9	[illegible]	27	22	60	18	49	70	63	35	542	56.9%
IRS	5	104	30	8	[illegible]	18	6	22	51	31	29	39	42	502	52.7%
Customs	5	13	32	9	[illegible]	12	4	14	13	19	1	37	34	254	26.6%
ATF	0	7	7	0	[illegible]	1	4	3	4	6	10	36	25	168	17.6%
Coast Guard	1	0	0	0	[illegible]	0	4	1	0	0	0	0	4	19	2.0%
Organized Crime Strike Force	2	0	2	0	[illegible]	4	2	7	0	0	0	1	0	20	2.1%
State Investigators	2	71	4	0	[illegible]	3	1	14	13	2	3	6	1	127	13.3%
State Prosecutors	0	2	2	0	[illegible]	4	2	18	5	0	2	2	2	41	4.3%
Local Investigators	8	7	18	10	[illegible]	28	27	30	24	22	47	47	16	409	42.9%
Local Prosecutors	2	14	12	3	[illegible]	16	1	26	10	4	18	7	3	154	16.2%
Foreign Government	0	0	3	0	1	0	4	19	1	2	1	3	6	40	4.2%
Other OCDE Task Force	2	0	2	0	0	2	0	12	6	1	1	3	2	31	3.2%
Other	0	7	0	1	[illegible]	2	0	1	2	0	0	2	1	19	2.0%
Total Unspecified														47	4.9%

---

*The number of indictments and informations in which this agency participated in either the investigation or prosecution. U.S. Marshals Service and U.S. Attorneys are assumed to be involved in all cases.

**The number of indictments and informations returned in Task Force cases. The percentages show the frequency of participation for each type of agency. More than one agency is involved in almost all cases.

Exhibit 5-10 (Continued)

Organized Crime Drug Enforcement Task Force Program

LAW ENFORCEMENT AGENCY PARTICIPATION*

In Investigations Resulting in Charges Through December 31, 1984

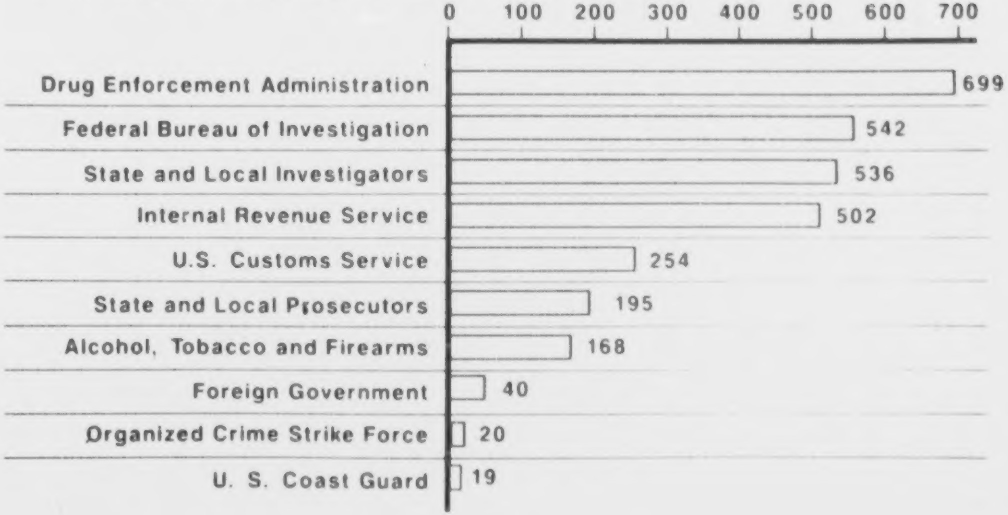


Exhibit 5-11
Defendants' Roles in Targeted Criminal Organizations
Defendants Charged through December 31, 1984

	Number of Defendants*														Percenta
Role	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 3,733*
Top Leader	15	46	72	23	[redacted]	27	26	96	50	25	48	32	45	568	15.2%
Mid-Level Leader	28	91	85	16	[redacted]	101	24	52	60	33	42	52	44	681	18.2%
Major Financial Backer	5	1	3	2	[redacted]	1	0	10	1	1	1	3	8	47	1.2%
Major Money Launderer	2	3	9	25	[redacted]	0	0	22	9	0	3	4	13	95	2.5%
Major Enforcer	3	10	6	1	[redacted]	3	4	8	1	2	0	0	9	50	1.3%
Major Supplier/ Distributor	13	75	74	13	[redacted]	35	52	201	49	45	86	30	52	814	21.8%
Key Contact to Sources	9	11	28	5	[redacted]	8	8	12	25	5	27	6	29	188	5.0%
Corrupt Public Official	1	1	2	0	[redacted]	0	1	1	1	1	0	1	6	15	0.4%
Other	34	89	106	34	[redacted]	74	97	107	98	77	90	84	99	1,101	29.4%
Total Unspecified														174	5.0%

---

* The number of defendants who performed this role in the criminal organization targeted in this investigation and prosecution. Note that if an individual was named in more than one indictment or information, more than one entry is made for role.

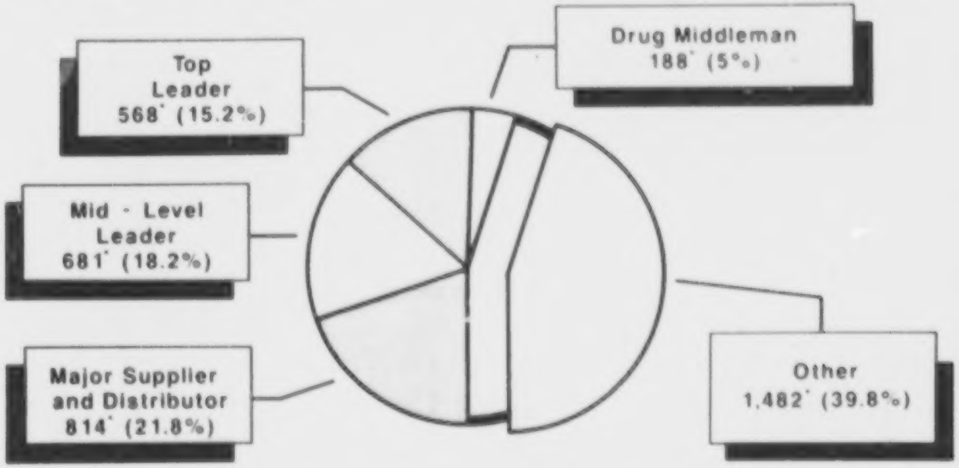
** The number of defendants named in Task Force indictments and informations. Some defendants were named in more than one indictment or information.

Exhibit 5-11 (Continued)

Organized Crime Drug Enforcement Task Force Program

Defendants' Roles In Targeted Criminal Organizations

Defendants Charged Through December 31, 1984



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* The number of defendants who performed this role in the criminal organization targeted in this investigation and prosecution. Note that if an individual was named in more than one indictment or information, more than one entry is made for role

Exhibit 5-12
Offenses Charged
Defendants Charged through December 31, 1984

	Number of Defendants Charged														Percentage
Offense	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 3,733*
Title 18: RICO	70	41	40	1	[illegible]	0	5	19	59	0	3	35	37	355	9.5%
Title 18: ITAR	7	86	40	6	[illegible]	19	0	22	48	31	33	27	66	433	11.6%
Title 18: Firearms	0	4	15	1	[illegible]	1	5	9	8	12	12	3	39	117	3.1%
Title 18: Hobbs Act	0	3	5	1	[illegible]	0	0	0	0	0	0	0	0	9	0.2%
Title 18: Tax Conspiracy	2	67	7	29	[illegible]	5	0	0	8	0	10	0	30	158	4.2%
Title 21: CCE	4	14	15	3	[illegible]	7	12	42	27	11	9	29	12	211	5.6%
Title 21: Manufacture	0	6	14	7	[illegible]	0	0	1	1	31	7	0	2	92	2.5%
Title 21: Distribution	45	171	201	38	[illegible]	130	130	178	129	113	132	141	101	1,722	46.1%
Title 21: Importation	48	4	132	1	[illegible]	14	52	67	51	36	10	95	73	606	16.2%
Title 21: Conspiracy	47	272	317	99	[illegible]	196	195	449	233	149	228	146	196	2,793	74.8%
Title 26: Tax Violations	2	32	18	7	[illegible]	7	2	7	23	6	10	10	23	170	4.5%
Title 31: Currency Violations	0	1	1	11	6	3	0	24	8	0	0	12	31	97	2.6%
Other	8	123	98	75	[illegible]	52	20	193	120	68	61	41	155	1,121	30.0%
Total Unspecified														93	2.5%

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* The number of defendants charged in Task Force indictments and informations. Many defendants were charged with more than one offense. Some defendants were charged in more than one indictment or information.

Exhibit 3-13
Dispositions by Defendant in
Cases Adjudicated through December 31, 1984*

95

Disposition	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	Percentage of Defendants N = 1,559
Found guilty of at least one charge	21	18	25	5	23	10	10	51	28	7	26	46	7	279	17.9%
Pled guilty to at least one charge	17	168	93	45	78	91	38	181	174	72	117	52	30	1,129	72.4%
Dismissed on all charges	0	13	12	5	[illegible]	6	7	7	11	8	14	2	5	100	6.4%
Acquitted on all charges	3	0	6	1	6	0	3	6	2	4	4	7	5	51	3.3%

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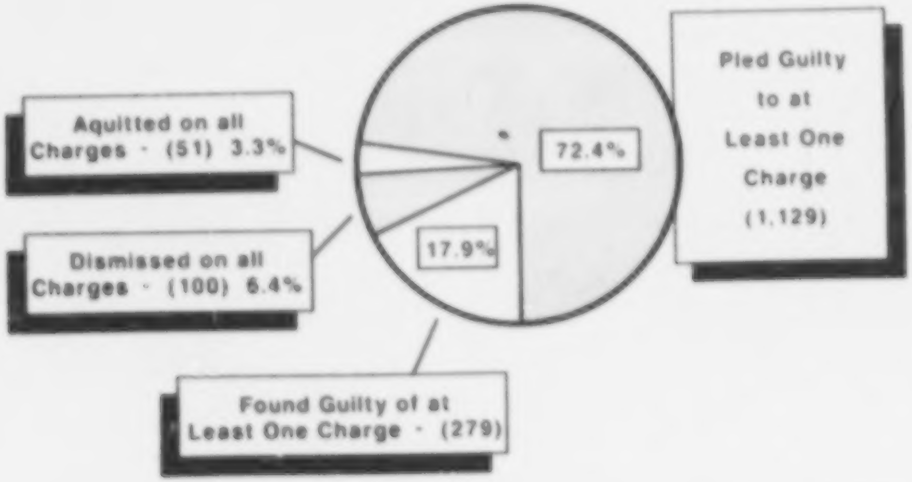
* Does not include defendants who are pending sentencing.

Exhibit 5-13 (Continued)

Organized Crime Drug Enforcement Task Force Program

Disposition By Defendant

In Cases Adjudicated Through December 31, 1984*



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* Does not include defendants who are pending sentencing

Exhibit 5-14
Convictions by Offense for
Charges Disposed of through December 31, 1984

Offense	Number of Convictions														Percentage of Convictions
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	N = 3,110
Title 18 RICO	15	13	11	0	7	0	8	16	22	0	2	10	0	104	3.3%
Title 18 ITAR$_{\text{Sc}}$	4	8	4	5	24	12	0	7	24	5	6	10	10	119	3.8%
Title 18 Firearms	0	1	2	0	12	0	2	1	3	5	13	6	5	50	1.6%
Title 21 CCE	1	3	2	0	5	0	1	15	5	6	5	16	1	60	1.9%
Title 21 Manufacture	0	4	1	2	3	0	0	0	9	3	5	0	0	27	0.9%
Title 21 Distribution	19	38	14	23	264	51	62	62	99	60	55	83	18	865	27.8%
Title 21 Importation	18	0	27	0	6	1	19	5	17	19	1	48	4	165	5.3%
Title 21 Conspiracy	62	110	67	18	120	68	46	150	108	37	107	164	27	1,084	34.9%
Title 31 Currency Violations	0	1	0	7	5	0	3	2	3	0	9	7	1	38	1.2%
Other*	2	93	15	35	77	36	7	100	73	50	51	33	26	598	19.2%

97

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*Includes Hobbs Act (Title 18), Tax Conspiracy (Title 18), Tax Violations (Title 26), and other offenses

Exhibit 5-15
Net Prison Terms Imposed* on Defendants Sentenced through December 31, 1984

Term	Number of Defendants Sentenced to Term														Percentage of Sentenced Defendants N = 1,408
	FC	GL	GC	LA	MA	MS	NE	NY	NC	NW	SC	SE	SW	Total	
0 years**	0	46	11	5	12	26	10	39	66	14	28	8	11	276	19.6%
5 years or less	7	87	67	26	54	33	23	76	77	40	84	58	40	672	47.7%
6 - 10 years	21	35	24	8	22	17	8	45	36	18	14	19	5	268	19.0%
11 - 15 years	3	15	4	9	9	5	1	23	13	5	13	11	0	111	7.9%
16 - 20 years	7	1	9	0	5	0	2	2	4	4	1	2	0	37	2.6%
21 - 25 years	0	0	1	1	0	0	0	0	3	1	1	4	0	11	0.8%
26 - 45 years	0	0	1	1	0	0	0	6	1	1	1	9	1	21	1.5%
46 - 65 years	0	0	0	0	0	0	0	1	1	0	1	4	0	7	0.5%
More than 65 years***	0	0	1	0	0	0	0	0	1	0	0	3	0	5	0.4%

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* The total of all consecutive sentences imposed for the defendant (does not include any concurrent or suspended sentences imposed).

** The number of defendants convicted but not sentenced to prison, e.g., those receiving suspended sentences or probation.

*** Includes one life sentence without possibility of parole.

Exhibit 5-15 (Continued)

Organized Crime Drug Enforcement Task Force Program

Net Prison Terms Imposed

On Defendants Sentenced Through December 31, 1984

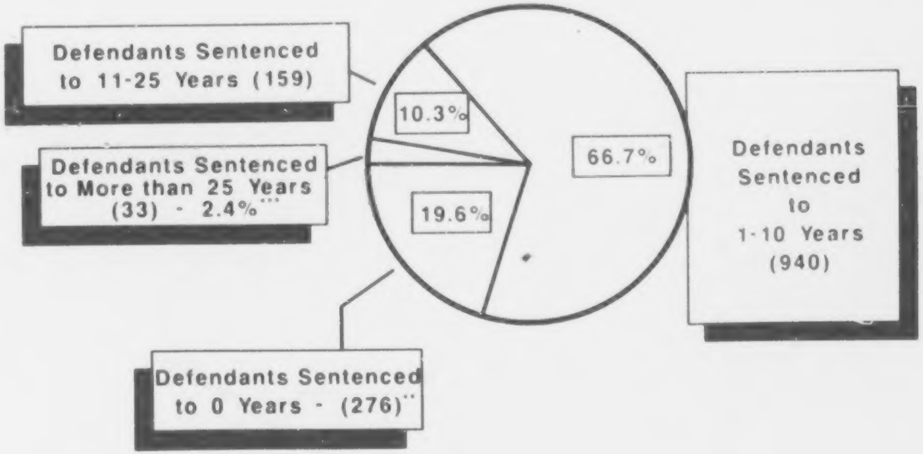


Exhibit 5-16
Drugs Seized
through December 31, 1984

Region	Heroin (Kilograms)	Cocaine (Kilograms)	Marijuana (Kilograms)
Florida/Caribbean	0	1,637	34,500
Great Lakes	10	55	4,320
Gulf Coast	10	1,135	117,648
Los Angeles/Nevada	22	1,132	6
Mid-Atlantic	17	830	100,128
Mountain States	1	34	1,749
New England	17	65	126,646
New York/New Jersey	107	3,385	12,512
North Central	25	968	11,211
Northwest	0	665	21,806
South Central	0	787	939
Southeast	5	2,572	1,538
Southwest	0	17	70,383
Totals	214	13,282	503,386

Exhibit 5-16 (Continued)

Organized Crime Drug Enforcement Task Force Program

Drugs Seized 1983 / 1984

Through December 31, 1984

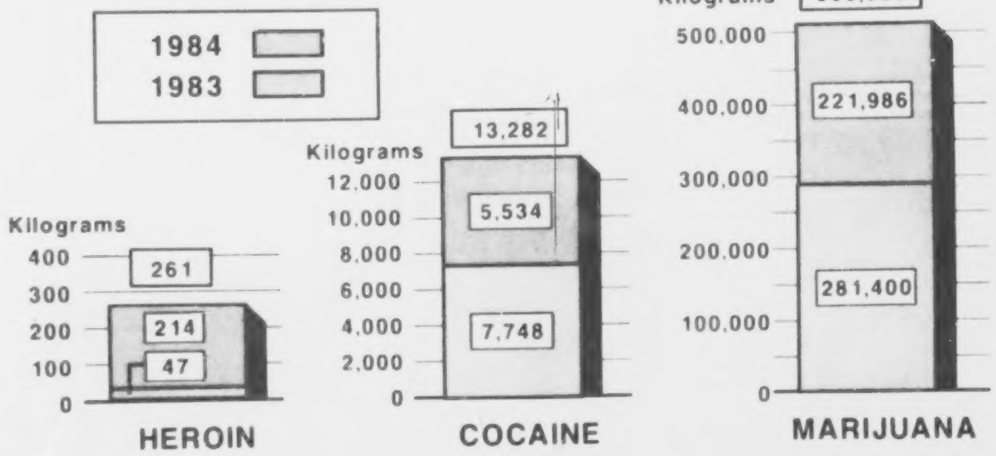


Exhibit 5-17
Non-Drug Assets Seized
through December 31, 1984

Region	Cash ($)	Property ($)
Florida/Caribbean	4,117,000	3,625,000
Great Lakes	3,904,000	7,001,000
Gulf Coast	9,079,000	20,077,000
Los Angeles/Nevada	20,945,000	1,974,000
Mid-Atlantic	3,689,000	3,495,000
Mountain States	3,704,000	6,174,000
New England	8,513,000	6,574,000
New York/New Jersey	5,589,000	12,894,000
North Central	1,866,000	3,690,000
Northwest	2,929,000	1,855,000
South Central	133,000	569,000
Southeast	2,612,000	8,874,000
Southwest	9,199,000	4,536,000
Totals	76,279,000	81,338,000

Exhibit 5-18
Non-Drug Assets Forfeited
through December 31, 1984

Region	Cash ($)	Property ($)
Florida/Caribbean	717,000	3,676,000
Great Lakes	953,000	5,795,000
Gulf Coast	163,000	2,208,000
Los Angeles/Nevada	702,000	2,560,000
Mid-Atlantic	1,529,000	789,000
Mountain States	0	869,000
New England	190,000	543,000
New York/New Jersey	561,000	2,227,000
North Central	2,783,000	6,261,000
Northwest	930,000	1,447,000
South Central	181,000	1,077,000
Southeast	2,835,000	10,742,000
Southwest	786,000	1,521,000
Totals	12,330,000	39,715,000

Exhibit 5-17 (Continued)

Exhibit 5-18 (Continued)

Organized Crime Drug Enforcement Task Force Program

Non-Drug Assets Seized/Forfeited 1983 vs 1984

Through December 31, 1984

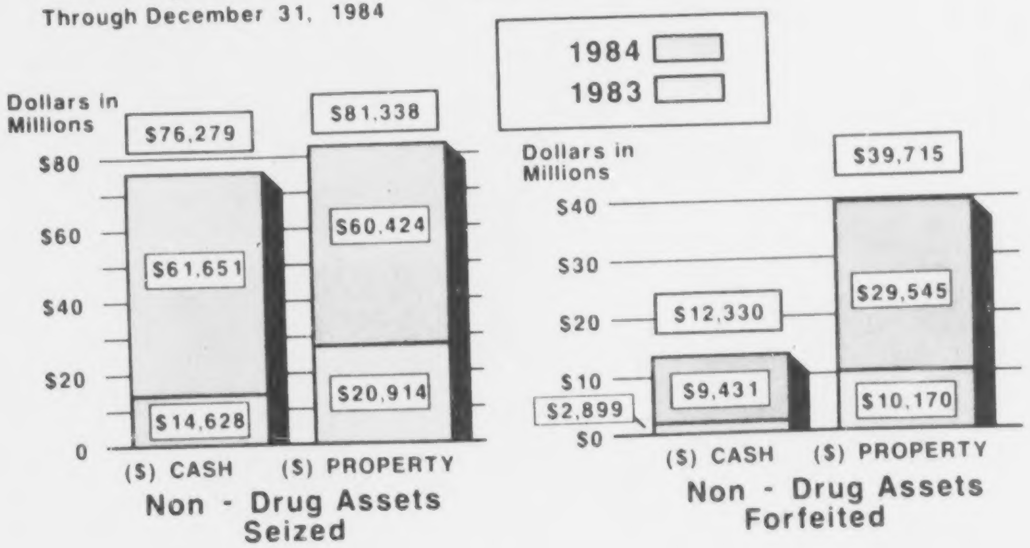


Exhibit 5-19
Fines Assessed
through December 31, 1984

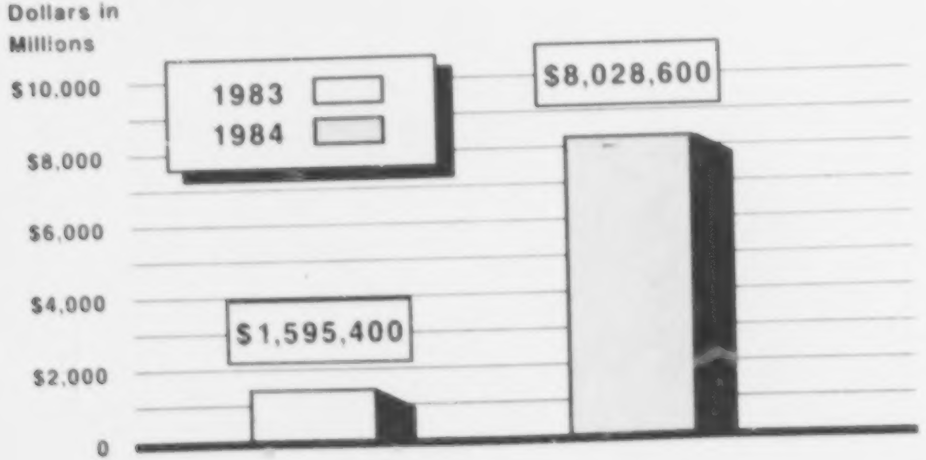
Region	Fines ($)
Florida/Caribbean	863,000
Great Lakes	1,376,000
Gulf Coast	615,000
Los Angeles/Nevada	0
Mid-Atlantic	[illegible]2,000
Mountain States	51,000
New England	288,000
New York/New Jersey	754,000
North Central	426,000
Northwest	427,000
South Central	611,000
Southeast	1,769,000
Southwest	42,000
Totals	9,624,000

Exhibit 5-19 (Continued)

Organized Crime Drug Enforcement Task Force Program

FINES ASSESSED

Through December 31, 1984



Charlie's Downfall

Charlie Fleming was 60 years old and everybody in town knew he had a long criminal record. His family had functioned as a criminal organization for years, and Charlie himself had been convicted several times since 1950. It isn't surprising that, in the late seventies, he went into the cocaine business in a big way. Based on strong loyalty to Charlie, the organization—which included his young wife, his daughter, and his son-in-law—shielded him, and numerous prosecution attempts failed. Charlie became a millionaire, and not from the motorcycle shop he ran as a front.

When the Task Force organized in early 1983, Charlie and his gang were selected as the first case in Savannah. Various agencies had informant reports, allegations, sketchy rumors, and suppositions about Charlie. Nothing solid, but "everyone knew" Charlie was dealing cocaine.

The OCDE Task Force team—FBI, IRS, Georgia Bureau of Investigation (GBI), and the U.S. Attorney's Office—decided to identify the players first. "Pen registers" were placed on Charlie's telephone and his son-in-law's business telephone to find out whom they called. An inventory of frequently called numbers began to identify Charlie's associates.

The team decided that there were substantial grounds for a tax investigation of Charlie. Such investigations are overt and completely apparent to the subject, so the team agreed to mount the tax investigation in tandem with covert taps on the same two telephones. In October 1983, a court order authorizing the phone taps was obtained. Because of the heavy personnel manpower requirements of running two taps at once, the team found itself seriously short handed. They turned to the GBI, who, overnight, sent 12 agents into town from around the State. The telephone taps were set up and the overt investigation launched. IRS agents made a show of contacting Charlie's associates as part of the tax investigation. Many of those contacted called Charlie or his son-in-law. Charlie himself placed many calls in connection with the investigation. Some of those contacted were Charlie's old cohorts who were still in prison.

Agents monitoring the telephone taps heard Charlie discussing a possible "cash hoard defense" as a means of combating the anticipated tax prosecution. (This approach would claim that Charlie's money was not illegal or unreported income, but money that he had hoarded years before.)

It became apparent that this investigation was now taking more lawyer time than the U.S. Attorney's Office could afford. The Task Force regional office was asked for help. For the next six months, one attorney from Baltimore spent half his time in Savannah working on this case.

As Charlie continued to reveal his associations through the telephone taps, the FBI and GBI agents developed their drug investigation. The telephone taps were about to expire, and the team decided to get the most out of its final days. So, the investigators mounted a number of high profile searches of members of Charlie's organization, with two results: the two telephones were busy with panic calls and many of those who were frightened by the tax and drug investigations began to volunteer to cooperate with the government.

Another six months were required to sort and examine the records and testimonies accumulated, and to present the materials to a grand jury. In June 1984, the indictment was returned. Charlie was the subject of 30 counts, both income tax charges and a variety of drug charges, including CCE. Twenty-one other people were indicted at the same time.

Charlie was in jail awaiting trial. His million-dollar bail kept him out of circulation. But many of those who were indicted with him decided to plead guilty, some after offering evidence against Charlie. By September Charlie was alone. Only his immediate family was holding out. On September 7, 1984, the four of them, Charlie, his wife, daughter, and son-in-law, entered guilty pleas to the most serious charges against them. Sentences were handed down in October.

Charlie's 33-year-old wife got five years and a $10,000 fine.

His daughter got five years and a $5,000 fine.

His son-in-law got 20 years and was fined $20,000.

Charlie's initial sentence amounted to a total of 375 years and fines of $730,000. His plea agreement also provided for the forfeiture of all his property listed in the indictment, except his residence, and to the publication of documents showing his debts of over $250,000 in taxes for subsequent collection.

Charlie and his friends—22 pleaded guilty in all—are out of the drug business for a while. The combined investigations of diverse agencies, the judicious use of the overt tax investigation with the covert Title III, the immense personnel contribution of the GBI, and the provision of an AUSA through the OCDE Task Force network all contributed to the successful termination of Charlie's criminal career.

Other Presidential Initiatives 6

The President's national anti-drug strategy, announced in October 1982, was implemented through a package of complementary efforts. Among these, the Organized Crime Drug Enforcement Task Force Program was principal. The 1984 activities of the other elements are summarized in this Chapter.

President's Commission on Organized Crime

The President's Commission on Organized Crime, established by Executive Order on July 28, 1983, consists of nineteen presidential appointees who are "distinguished Americans from diverse backgrounds and professions with practical experience in criminal justice and combating organized crime." A list of members appears at the end of this section.

The terms of the Executive Order require the Commission to undertake six principal tasks:

1) To make a full and complete national and region-by-region analysis of organized crime;

2) To define the nature of traditional organized crime as well as emerging organized crime groups, the sources and amounts of organized crime's income, and the uses to which organized crime puts its income;

3) To develop in-depth information on the participants in organized crime networks;

4) To evaluate Federal laws pertinent to the effort to combat organized crime;

5) To advise the President and the Attorney General with respect to its findings and actions which can be undertaken to improve law enforcement efforts directed against organized crime; and

6) To make recommendations concerning appropriate administrative and legislative improvements in the administration of justice.

In addition, the Commission is required to report to the President from time to time as requested, and to submit a final report by March 1, 1986.

Setting an Agenda

In the first Annual Report of the Organized Crime Drug Enforcement Task Force Program, it was predicted that the President's Commission on Organized Crime ". . . will make substantial short-term and long-term contributions to the development and refinement of the Federal Government's strategy to combat organized crime." As a first step toward the accomplishment of that goal, the Commission, in November of 1983, took the testimony of Attorney General William French Smith, Director of the Federal Bureau of Investigation William H. Webster, and Administrator of the Drug Enforcement Administration Francis M. Mullen, Jr. In response to that testimony, which indicated that the impact of organized crime in international drug trafficking was an area that particularly warranted its attention, the Commission adopted a preliminary agenda consisting of three fundamental categories of inquiry: narcotics importation and distribution, laundering of profits from illegal operations, and infiltration of legitimate businesses. At the same time, a professional team of 75 attorneys, investigators, and support personnel was selected to carry out the Commission's day-to-day responsibilities.

In pursuit of these stated objectives, on March 14, 1984, in New York City, the Commission conducted its first public hearing dealing with a specific area of interest, the laundering of criminal proceeds. Taking sworn testimony from Federal agents (including a former undercover DEA agent), a convicted felon, a Treasury official, and others, the Commission explored the financial laundering schemes of organized crime. Testimony included a detailed account of one man's laundering of more than $150 million on behalf of narcotics traffickers.

In addition to the substantive information developed at its March hearing, the Commission demonstrated irrefutably that a thorough examination of organized crime would require certain essential legal tools. To that end, statutory authorization was sought giving the Commission subpoena, contempt, and immunity powers, as well as law enforcement status for the purposes of other Federal statutes. On July 17, 1984, President Reagan signed the measure into law as P.L. 98-368.

With this grant of legal authority, the Commission has begun to pursue its mandate with an ambitious program of public hearings and research projects. In New York City on October 23-25, 1984, the Commission exposed in detail sophisticated organized criminal groups whose roots are in Asia. Witnesses testified on the operations of Chinese Triad and Tong societies and Vietnamese criminal groups. The hearing was the first major public exposure of the growing threat of these groups and their links with traditional organized crime.

In Washington, D.C., just a month later, the Commission held three days of public hearing which examined in detail the violent organized criminal groups which control the cocaine industry. Expert witnesses from the State Department, law enforcement, the medical and academic communities, and insiders including convicted smugglers, testified on the dangers of cocaine use and described the cocaine industry including cocaine growing, processing, transportation and marketing, and the means used to launder the enormous profits from cocaine trafficking.

In addition, considerable evidence was presented demonstrating the links between powerful cocaine cartels and antigovernment terrorist groups active in a number of South American countries. Of particular concern was the disclosure that the cultivation of poppies, from which heroin is produced, has been observed for the first time in Colombia.

While putting on these public hearings, the Commission also prepared and released in October 1984 a lengthy interim report, entitled *The Cash Connection: Organized Crime, Financial Institutions, and Money Laundering*, documenting in detail the means by which various organized criminal groups actively exploit weaknesses or corruption in our banking system to camouflage the sources and disposition of funds. The report makes recommendations on ways to deny organized crime access to our financial institutions and casinos, and further recommendations which would allow financial institutions to better detect and report suspected money laundering to law enforcement. The report also proposed a unique addition to the arsenal in the fight against money laundering: a model Federal statute, entitled "Financial Institutions Protection Act," making money laundering itself a substantive offense and removing certain obstacles to more effective assistance by banks to law enforcement.

As this Annual Report is being prepared, the Commission is vigorously pursuing an agenda for the coming months which includes:

- the preparation of a number of additional interim reports on topics including international drug trafficking and the Government's options in responding to it, and the current state of electronic surveillance techniques, technology, and statutes;
- a series of additional public hearings on subjects including heroin trafficking, gambling, labor racketeering, and the current state of "traditional organized crime";
- a comprehensive survey of State and local law enforcement experience regarding organized criminal activity;
- preparation of a series of model State antiracketeering laws which will be supported by the results of the national survey;
- a series of research projects, including an effort to determine further the sources, amounts, and uses of the income generated by organized crime, and
- cooperative arrangements with various segments of the private sector, such as the banking and aviation industries, to facilitate and promote their assistance to law enforcement.

More such projects will be designed and carried out prior to the submission of the Commission's final report in 1986.

Members of the Commission

Judge Irving R. Kaufman, Chairman, U.S. Court of Appeals for the Second Circuit; Jesse A. Brewer, Jr., Deputy Chief, Los Angeles Police

Department; Carol Corrigan, Deputy District Attorney, Alameda County, California; Justin J. Dintino, Executive Officer, New Jersey State Police; William J. Guste, Jr., Attorney General of Louisiana; Judith Richards Hope, a lawyer and former Associate Director, White House Domestic Council, Washington, D.C.; Philip Manuel, President of an investigative consulting firm and former Chief Investigator, U.S. Senate Permanent Subcommittee on Investigations; Thomas F. McBride, Associate Dean, Stanford University Law School and former Inspector General, Departments of Agriculture and Labor, Washington, D.C.; Eugene H. Methvin, a Senior Editor, Reader's Digest; Edwin L. Miller, Jr., District Attorney, San Diego County, California; Manuel J. Reyes, a lawyer and Executive Vice President, Board of Directors of Miami International Hospital; Representative Peter W. Rodino, Jr., Chairman of the U.S. House Committee on the Judiciary; Charles H. Rogovin, Professor, Temple University Law School and former President of the Criminal Justice Associates; Barbara A. Rowan, a lawyer and President of an investigative consulting firm; Frances A. Sclafani, Chief Administrative Assistant District Attorney for Interagency Liaison in Suffolk County, New York; Samuel K. Skinner, a lawyer and former U.S. Attorney for the Northern District of Illinois; Potter Stewart, a retired Associate Justice of the U.S. Supreme Court; Senator Strom Thurmond, Chairman of the U.S. Senate Committee on the Judiciary; Phyllis T. Wunsche, a lieutenant with the Homicide Division of the Houston Police Department.

The Governors Project

As part of the comprehensive attack on organized crime and narcotics trafficking, the Department of Justice implemented a series of special initiatives to solicit and involve the nation's Governors and State prosecutors in improving crime control efforts and criminal justice reform in this area.

One such initiative has been the Governors Project, which deals with a twofold approach to assist Governors, legislators, State Attorneys General, and local prosecutors in their efforts to develop and update existing legislation to combat organized crime and narcotics trafficking. The first approach will be the development of a *State Officials Handbook and Guide for Legislative Reform of Organized Crime and Narcotics Laws*. This effort will assist in determining the magnitude of disparity among the 50 State organized crime/drug enforcement laws and will produce recommendations for more uniform laws dealing with organized crime/drug enforcement issues.

An integral part of this initiative is the involvement of State prosecutorial systems in this national effort. The Governors recognized and identified this need in their annual criminal justice policy position by stating:

> Governors should encourage State and local prosecutors to assume leadership in the development and coordination of priority drug investigative efforts and priority prosecution strategies and urge implementation of special judicial processes that guarantee fair and speedy adjudication of major drug cases.

Therefore, the second approach of the twofold strategy during the ensuing year will be to involve and assist the prosecutorial systems of the States in their participation in this effort. This activity will center on coordinating efforts with the National Association of Attorneys General and the National Association of District Attorneys.

Funding has been secured for the initial thrust with the Attorneys General and will include such activities as: initiation of education and training programs with regard to RICO and other organized crime and drug law enforcement issues, provision for technical assistance to the State Attorneys General on the development of relevant legislation in these areas, the creation of a "brief bank," and a talent and resource inventory of Federal and State attorneys and other experts in these fields, and the publication and dissemination of a monthly newsletter on drug enforcement and organized crime issues.

The Project will continue to serve as a special link between drug law enforcement efforts and legislative development. Located within the Office of Legislative and Intergovernmental Affairs, the Project offers a special opportunity for Governors, State Attorneys General, and prosecutors to keep current with the latest national legislative proposals and to have significant input during the developmental phase. Nowhere was this type of cooperation and coordination between governmental units more evident than with the passage of the Comprehensive Crime Control Act of 1984 by the 98th Congress. The Governors Project was a focal point, assisting in the immediate dissemination of copies of the final legislative enactments in the areas of crime and narcotics control and forfeiture to key State and local policymakers and prosecutors.

During the coming year, the Governors Project will continue to serve in a Federal liaison role and will provide a steady flow of timely information to States and municipalities in the area of drug law enforcement and control of organized crime. This will, at a minimum, continue to include communications with the Organized Crime Drug Enforcement Task Forces, the National Narcotics Border Interdiction System (NNBIS) and the Law Enforcement Coordinating Committees.

Training Law Enforcement Professionals

In his anti-crime program, the President also provided for training. Specifically, the President called for the establishment of a National Center for State and Local Law Enforcement Training in Glynco, Georgia. This Center would complement the excellent training programs already offered by the FBI, DEA, ATF, Secret Service, Marshals Service, and U.S. Customs Service for Federal, State, and local law enforcement personnel. The establishment of this National Training Center was based on the realization that while primary responsibility for law enforcement rests with State and local governments, the Federal Government could significantly assist them by providing training in those areas where Federal investigative agencies have unique expertise.

The Center offers advanced, specialized training to State and local law enforcement on a shared cost basis utilizing existing Federal resources and facilities. Approximately twenty-two law enforcement courses are offered in areas such as white-collar crime, contraband cigarette smuggling, financial and undercover investigative techniques, fire and arson, cargo thefts, fraud, and other legal, technical, policy, and management areas.

A new course under intensive development is the Technical Investigative Equipment Training Program, aimed at qualifying key State and local personnel in establishing and maintaining the electronic aids necessary to effectively prosecute continuing criminal enterprises. Another course under development will assist State and local agents in investigating illegal hazardous waste disposal, a lucrative activity attractive to established criminal groups.

A total of 1,354 State and local law enforcement officers received training at the Center in FY 1984. Of this number, 489 State and local officers received training in organized crime and drug law enforcement. State and local officers already trained have become the principal outreach and recruiting tool through their endorsement of the training received at Glynco.

Federal Prison Housing Expansion

Another of the presidential initiatives addressed the concern that already overcrowded correctional institutions could not absorb the expected increase in inmate population, and $18 million was appropriated to construct additional housing at existing correctional institutions. The specific institutions were selected because of capacity, central service, and site compatibility. Funds are applied as necessary to cover design and construction costs of the housing units in various regions. The following is a discussion of each project.

Memphis, Tennessee, Federal Correctional Institution

A 104-bed housing unit was designated to match the existing housing at this new institution, built in 1977. The unit is a two-story split-level, designed for ease of supervision. Construction work is complete and the activation date was January 15, 1985.

Petersburg, Virginia, Federal Correctional Institution

The 150-bed camp facility will provide permanent housing for minimum security inmates who are housed outside the main facility. It is a three-story, five-level structure with cubicles to partition inmate sleeping areas. Activation is planned for April 1985.

Ashland, Kentucky, Federal Correctional Institution

This 100-bed housing unit is a departure from existing structures at Ashland, which were built in the 1930s. The unit does not have long, hard-to-patrol corridors but inmate rooms clustered around a large multipurpose area. Construction is complete, and the activation date was January 31, 1985.

Butner, North Carolina, Federal Correctional Institution

The 100-bed, two-story housing unit is designed to blend with existing structures. Construction is complete and the activation date was in February 1985.

Tallahassee, Florida, Federal Correctional Institution

This 98-bed housing unit provides private rooms in addition to the existing dormitory-style housing. Construction is complete and activation expected in April 1985.

Leavenworth, Kansas, U.S. Penitentiary

The 90-bed segregation unit for Leavenworth will encompass secure office and outdoor recreation space, as well as 90 segregation rooms. The design concept is now being made final. Activation is scheduled for June 1986.

Oxford, Wisconsin, Federal Correctional Institution

A minimum security outside camp for 104 inmates will be built at Oxford rather than the originally planned 70-bed witness protection unit. A site adaptation of a recently built camp in El Reno, Oklahoma, is being used for this facility. The camp will include facilities for a visiting area, food preparation and recreation. Activation is scheduled for April 1985.

Legislative Initiatives

Prior to 1984, it had been almost fourteen years since the enactment of significant Federal criminal law reforms. During that period, Federal criminal laws had become increasingly outmoded with the result that the OCDE Task Forces, when first created, were attempting to stem the flow of drugs with inadequate criminal statutes.

The Comprehensive Crime Control Act of 1984

All of this changed dramatically when the Comprehensive Crime Control Act was signed into law on October 12, 1984, as Title II of Public Law 98-473. This omnibus package of criminal law measures is the most substantial and far-reaching reform of the Federal criminal justice system ever enacted at one time and profoundly readjusts the balance between the forces of law and the forces of lawlessness. While the more than fifty parts of the Comprehensive Crime Control Act strengthen laws in virtually every area of criminal activity, the anticrime package will be particularly useful in the investigation and prosecution of drug traffickers.

Summary of Drug-Related Provisions

The following provisions of Public Law 98-473 will be of the greatest assistance in Federal drug law enforcement.

Chapter I, Bail Reform, amends the Bail Reform Act of 1966 to permit Federal Courts to consider danger to the community in setting bail conditions and to deny bail altogether where a defendant poses an especially grave danger to others, to tighten the criteria for postconviction release pending sentencing and appeal; to provide for revocation of release and increase penalties for crimes committed while on release, and increased penalties for bail jumping. Although applicable to all Federal criminal cases, these new bail reform procedures are of particular utility in drug law enforcement where experience has shown that many defendants jump bail and many more continue to engage in drug trafficking while released on bail.

Chapter II, Sentencing Reform, revises the sentencing system to establish a determinate sentencing system with no parole and limited "good time" credits; promote more uniform sentencing by establishing a commission to set a narrow sentencing range for each Federal criminal offense; require courts to explain in writing any departure from sentencing guidelines; allow defendants to appeal sentences which are harsher than commission guidelines and the Government to appeal those that are more lenient than commission guidelines; and increase criminal fine levels. With the exception of increased fine levels, these sentencing reforms will not take effect until November of 1986. As with bail reform, the sentencing chapter will be applicable to every Federal criminal case and will help to ensure more uniform and appropriate sentencing of drug and other defendants.

Chapter III, Forfeiture Reform, strengthens Federal criminal and civil forfeiture laws by providing for forfeiture of profits and proceeds of organized crime (RICO) offenses; criminal forfeiture in all narcotics trafficking cases; expanded procedures for "freezing" forfeitable property pending judicial proceedings; forfeiture of land used to grow, store, and manufacture dangerous drugs; expanded use of efficient administrative forfeiture procedures in uncontested cases; and sharing of forfeited property with participating Federal, State and local law enforcement agencies. These forfeiture reforms have greatly enhanced the ability of Federal prosecutors to strip away the assets and proceeds of drug rings. The new powers to pay rewards to private individuals who furnish information resulting in a forfeiture and to transfer forfeited property to State and local agencies which participate in a law enforcement operation resulting in a forfeiture are expected to greatly enhance cooperation in support of drug law enforcement.

Chapter V, Drug Enforcement Amendments, strengthens Federal penalties applicable to narcotics offenses by providing longer prison terms for large-scale drug crimes. It also reduces the regulatory burden on law-abiding manufacturers and distributors of legitimate controlled substances and strengthens the ability of DEA to prevent diversion of legitimate controlled substances to illegal uses. Among other things, the new drug diversion amendments facilitate revocation of the registrations of those who dispense or distribute controlled substances in violation of Federal law.

Chapter IX, Foreign Currency Transaction Amendments, improves Federal laws designed to prevent international money laundering by expanding prior law to cover *attempts* to transport currency out of the United States in violation of reporting requirements (prior law only reached completed offenses); by strengthening civil and criminal penalties for currency violations and authorizing payment of rewards for information leading to the conviction of money launderers; and by clarifying the authority of Customs agents to conduct border searches related to currency offenses. Money laundering activities are associated with virtually every drug smuggling operation.

Chapter X, Miscellaneous Violent Crime Amendments, contains amendments that will be helpful to Task Forces, including Part A, establishing Federal jurisdiction over murder-for-hire and crimes in aid of racketeering; Part B, establishing Federal jurisdiction over solicitation to commit a crime of violence; Part D, establishing a minimum mandatory five-year sentence for use of a firearm in a Federal crime of violence; Part E, establishing an additional, minimum mandatory five-year sentence for use of armor-piercing bullets in a Federal crime of violence; Part F, expanding 18 U.S.C. 1201 to include kidnapping of Federal officials; and Part G, establishing a new Federal offense for crimes against family members of Federal officials. Drug rings are notorious for their violent behavior and the amendments described above give Federal prosecutors important new weapons to use in prosecuting drug-related violence.

Chapter XI, Serious Non-Violent Offenses, includes two provisions of benefit to Task Forces: Part B, which makes it a felony to warn the subject of an impending search, and Part H, which enhances penalties for trafficking in drugs, weapons, or other contraband in Federal prisons.

Chapter XII, Procedural Amendments, includes four provisions of interest to Task Forces. These are Part A, lowering from sixteen to fifteen the age at which a juvenile may be prosecuted as an adult for serious crimes of violence and drug trafficking offenses; Part B, amending wiretap laws to permit emergency wiretaps in life-endangering situations and expanding the range of predicate offenses to include child pornography, money laundering, and crimes against victims and witnesses; Part E, authorizing government appeal of new trial orders; and Part F, improving the Witness Security Program through codification of case law and other changes.

Chapter XIII, National Narcotics Act, codifies the organizational structure established by the Reagan Administration to coordinate Federal drug law enforcement efforts. This chapter also requires periodic reports on drug law enforcement policy, strategy, and operations.

Crime Bill Implementation

Because of the massive nature of the Comprehensive Crime Control Act and the fact that most provisions of the new statute were effective upon the date of enactment, implementation has required a major effort by the Department of Justice. The day the measure was signed into law, a package of interpretive materials was distributed to all U.S. Attorneys by the Office of the Associate Attorney General providing guidance in such crucial areas as bail procedures. In December, the Department issued a detailed *Handbook on the Comprehensive Crime Control Act of 1984 and Other Criminal Statutes Enacted by the 98th Congress*; this publication provides a summary, analysis, and discussion of every part of the crime package as well as policy guidance where appropriate. The Federal Bureau of Investigation, Drug Enforcement Administration and other components of the Department also issued interpretive materials for field personnel during the fall of 1984. These formal issuances were supplemented with numerous informal briefings by Headquarters personnel of U.S. Attorneys, Task Force Coordinators, and Law Enforcement Coordinating Committees. Implementation activities will continue into 1985 in an effort to achieve a uniform application of the new law throughout the United States.

Other Drug-Related Laws Enacted in 1984

Two other drug enforcement measures were enacted in 1984 as separate measures:

(1) The Controlled Substance Registrant Protection Act, Public Law 98-305, provides Federal criminal penalties for certain thefts and robberies directed against persons or establishments, such as pharmacies registered with the Drug Enforcement Administration to manufacture, distribute, or dispense controlled substances. This statute authorizes Federal investigation and prosecution of some drug related crimes that were not previously within the jurisdiction of Federal authorities.

(2) The Aviation Drug-Trafficking Control Act, Public Law 98-499, amends the Federal Aviation Act and related statutes to strengthen Federal penalties applicable to flight crew personnel engaged in smuggling controlled substances.

Anticipated Criminal Justice Legislative Initiatives for the 99th Congress

Because of the speed with which the Comprehensive Crime Control Act was cleared in the closing days of the 98th Congress and the sharp differences between the Senate and House of Representatives on many key provisions of the bill which prevented the sort of coordinated and cooperative effort needed to refine major legislation, numerous technical amendments are needed in the Comprehensive Crime Control Act. The Department of Justice will, therefore, seek approval of technical corrections legislation in the 99th Congress to perfect the Comprehensive Crime Control Act.

It is also anticipated that Congressional action will be sought on a number of substantive criminal law measures in 1985, including items such as reinstitution of capital punishment in certain cases and reform of Federal habeas corpus laws to reduce Federal judicial interference in completed State adjudications, two parts of the President's Comprehensive Crime Control Act of 1983 that were not approved by the 98th Congress. (The Senate approved both of these measures by overwhelming margins in February of 1984.) It is likely that the Department of Justice will submit other proposed criminal justice reforms for consideration by the 99th Congress.

A Family Affair

Rosario Gambino - 45 years in prison, $105,000 fine

Erasmo Gambino - 34 years in prison, $95,000 fine

Anthony Spatola - 34 years in prison, $50,000 fine

Antonio Gambino - 30 years in prison, $50,000 fine

These were the principal sentences handed down on December 5 and 7, 1984, in the U.S. District Court in New Jersey. The sentencing ended an effort that began as an OCDE Task Force case in 1983, and included extensive use of wiretaps, undercover operations, and physical surveillance; as well as prodigious prosecutorial performances by Task Force attorneys.

An FBI undercover agent was introduced to Antonio Gambino, a member of the “Gambino Family.” The man making the introduction was a regular customer of Antonio's and at this very meeting, bought an ounce packet of cocaine. Antonio said he could also get some high-grade heroin from some tough and dangerous contacts, who never deal in anything less than a kilo. These guys were so tough, according to Antonio, that they didn't stop at murder. The agent expressed interest in obtaining a sample of good quality heroin.

At this point the Task Force team moved into high gear. Wiretaps were installed on a number of phones. Antonio delivered the sample to the agent. Combining wiretap information with the results of surveillance, undercover negotiations, and long distance phone records, the investigators were able to identify Antonio's superiors as Rosario and Erasmo Gambino, both alleged “soldiers” in the Gambino crime family of La Cosa Nostra. Further identifications led the investigators to further taps and surveillances in Manhattan and at the Caffe Milano in Brooklyn.

The undercover agent purchased a half-kilo of heroin in January 1984. At this meeting, Anthony Spatola, another “family member,” was also present, and he and Antonio Gambino were introduced to two additional undercover agents from DEA, who posed as the first agent's boss and a chemist on hand to test the sample. The “boss” asked Antonio and Spatola for a commitment for ten kilos of uncut heroin each month. Antonio and Spatola said they would have to find out.

The taps and surveillance showed that it was Rosario Gambino who had to approve the deal. He exercised exclusive control over who was permitted to participate in heroin negotiations, what their roles would be, and what their shares of the proceeds would be. In this instance, it was agreed that for each kilo sold $200,000 would be delivered to Erasmo.

After consultation with their superiors, Antonio and Anthony advised the agents that three kilos were available for delivery to the agents and the Gambinos said they “had the guarantee” for ten kilos of ninety-percent pure heroin per month.

A week after the first heroin sale, highly publicized arrests in another Task Force case took place in Philadelphia. These arrests, involving a separate group of Sicilian heroin traffickers associated with the Gambino family, had long been planned and were repeatedly delayed, to avoiding “spooking” the Gambinos before the first heroin sale in this investigation. The Gambinos continued the negotiations after the Philadelphia arrests, but they were clearly more cautious. They insisted on additional safeguards, referring to what had happened in Philadelphia. In particular, they demanded more information about the undercover agent's alleged boss. The Gambinos insisted on meeting the boss, at his home base in San Diego, prior to any more sales.

As soon as the agents agreed, Antonio told the agents that “two fresh pizzas (two kilos of heroin) had just arrived from overseas.” The agent bought “half a pizza,” in full view of surveillance cameras.

With the help of the Southwest Border Task Force, the San Diego meeting was arranged, including a phone tap and other audio surveillance of the room rented for the co-conspirators. Extensive surveillance of the Gambinos was maintained while they were in San Diego. The visit was a complete success, and the Gambinos were solidly convinced that the agents were legitimate. The negotiations continued.

The Task Force investigation's undercover operation and court-ordered wiretaps had now provided sufficient convincing evidence from covert operations. Search and arrest warrants were obtained and executed on March 16. At Rosario's house the agents found, among other things, over $20,000 in small bills, and two 100-dollar bills that had been used to purchase the heroin three weeks earlier. At Erasmo's a sample of heroin was found—94.5 percent pure.

After the arrests, Task Force attorneys successfully turned away Rosario's attempts to avoid prosecution on grounds of mental illness, and embarked on a seven-week trial. The evidence presented included over 80 tapes and transcripts, most of which had to be translated from Sicilian. These conversations had been culled from the thousands that had been intercepted over the eight New Jersey telephones that had been tapped during a 100-day period.

The overwhelming weight of the evidence and its careful presentation by attorneys and agents resulted in guilty verdicts for the three Gambinos and Spatola. The attorneys then prepared their sentencing memoranda, drawing on records from numerous other districts, and pointing out for the sentencing judge exactly what the previous records of these men contained, and recommending substantial sentences for each of them. The combined results for the four: a total of 143 years imprisonment and $300,000 in fines.

7

Conclusions

The second Annual Report of the Organized Crime Drug Enforcement Task Force Program focuses on Task Force accomplishments during the first two years of operation. First-hand assessments by the agencies involved, by AUSA Coordinators, and by agents and attorneys in the field, detail Task Force achievements in disabling and dismantling drug-related organizations. The statistical data gathered from the Task Forces themselves depict their progress in terms of cases initiated, indictments returned, convictions, sentences imposed, and assets forfeited and seized. Behind these impressive figures lie the individual agency commitments and the innovative investigative and prosecutorial approaches that actually drive the OCDE Task Force Program. They include:

- Coordinated approaches to the investigation and prosecution of high level drug traffickers and drug trafficking organizations, combining the talents and resources of seasoned investigators and prosecutors;
- Increased participation by State and local agencies through the underwriting of overtime costs and the use of Special Deputy U.S. Marshal's designations, thus promoting joint involvement of intra-state law enforcement officials in the investigation, apprehension, and prosecution of major drug traffickers and drug trafficking organizations;
- Increased international cooperation resulting in extradition treaties and access to financial and other records vital to the prosecution of organizations and individuals in the international illicit drug trade;
- Continued emphasis on convictions under the CCE and RICO statutes, including full use of their enhanced forfeiture provisions for removal of the economic bases of criminal organizations;
- Reliance on undercover operations, wiretaps, and financial investigations to penetrate drug-related organizations, and provide to expose their illicit activities, and to provide evidence resulting in their successful prosecution; and
- Extensive use of the Witness Security Program to ensure the cooperation and protection of witnesses necessary for the successful prosecution of organized criminal groups.

The second-year results of the Organized Crime Drug Enforcement Task Force Program attest to the commitment, expertise, and aggressiveness of the agents and attorneys involved. Through their tireless efforts and extraordinary personal sacrifices they have, in meeting the original goals of the Task Force Program, surpassed expectations. The conclusion of last year's report stated, "If the first-year trends continue into the second year, the expense of operating the Task Force Program may well be exceeded by the value of the forfeitures, fines, and seizures generated by Task Force cases. The significant penetrations already effected will bring about the dismantling of even more major drug trafficking organizations during the coming year." This year, we are proud to report that the first-year trends have continued. The value of forfeitures, fines, and seizures has, indeed, surpassed the expense of operating the program.

As the OCDE Task Force Program enters its third year, the expectations will grow. The Task Force personnel stand ready to meet even greater challenges in the year ahead and to commit themselves to meeting those expectations.

Appendix A
Organized Crime Drug Enforcement Task Force Program Budget for 1984

The Organized Crime Drug Enforcement Task Forces were initially funded in 1983 from a single appropriation—that is, all Federal organizations participating in Task Force activities were reimbursed from one appropriation maintained at the Department of Justice. A notable change to the method of Task Force funding occurred for 1984. Resources previously available in this central appropriation to reimburse the Internal Revenue Service, the U.S. Customs Service, and the Bureau of Alcohol, Tobacco and Firearms were transferred to the Department of Treasury. Funds for participating Department of Justice organizations continued to be provided from the central appropriation on a reimbursable basis.

In 1984, the Task Forces operated at what was essentially an annualization of their 1983 funding level. The President's budget requested $105,949,000 for the OCDE Task Force Program of which $89,050,000 was appropriated in the 1984 Appropriations Act (P.L. 98-166). Congressional action on the President's request consisted of an advancement of $16 million into 1983 with the enactment of the Jobs Bill (P.L. 98-8). This action offset amounts requested under the OCDE Task Force Program in 1984 for the Cooperative Agreement Program ($10 million) and Federal Prison System Expansion ($6 million). Congress also implemented a one percent across-the-board cut which reduced the request by $899,000. The Second Supplemental Appropriations Act (P.L. 98-396) added $1,132,000 for the 1984 pay raise and brought the total enacted the OCDE Task Force Program appropriation to $90,182,000.

Although the 1984 enacted level is significantly less than the 1983 budget of $127.5 million, it represents full-year funding of the positions appropriated in 1983. The reason for the reduction in 1984 is twofold. As referenced above, 500 positions, and $12,716,000 were transferred to the Department of Treasury. Treasury funded the IRS, Customs, and ATF at a total of 500 positions and $32,867,000 in 1984. Several automatic non-policy decreases also contributed to a reduced 1984 Program budget. These nonrecurring costs were associated with permanent change of station moves, DEA purchase of one airplane, FBI automation and voice privacy equipment purchases, the Cooperative Agreement Program, and Federal Prison System expansion. Uncontrollable increases of $24,765,000 were needed to annualize the 1,110 positions and resources approved in 1983 for DOJ.

Only two Program increases appeared in the 1984 budget. One of these increases provided resources for the President's Commission on Organized Crime. While the Commission was initially funded by a 1983 reprogramming, Congress appropriated funds for 20 positions and $2,475,000 in 1984. These funds were to remain available throughout FY 1985. The Commission obligated $1,622,000 in 1984 and has carried forward $853,000 into 1985.

Resources to permit a strong automated support capability to assist investigative personnel in identifying and countering drug trafficking networks were provided in 1983, a portion of which remained in the 1984 base. An additional amount of $6.7 million was included in 1984. These automation funds for the DEA and FBI are to remain available for obligation until FY 1985 as are $7.7 million associated with undercover activities (P.L. 98-396).

Of funds appropriated in FY 1983 and made available until 1984 for undercover activities and the purchase of automated data processing and telecommunications equipment, the DEA and FBI obligated $3.3 million. Similarly, the Federal Prison System obligated $10.7 million of funds appropriated in 1983 but made available until expended. This leaves $4.3 million remaining of the $18 million initially appropriated in 1983 to increase overall Federal prison capacity.

Total obligations for the OCDE Task Force Program appropriation in 1984 were $98 million. Of this amount $84 million was obligated against 1984 funds and $14 million was against unobligated 1983 resources. The unobligated balance at the end of 1984 that was carried forward into FY 1985 totals $9.5 million. Only $1.7 million lapsed at the end of FY 1984.

Appendix B
Personnel Distribution

OCDE Task Force Attorney, Agent, and Support Position Allocations

District	AUSAs*		FBI		DEA		IRS**		Customs***		ATF****		USMS
	Attorney	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent
Florida/Caribbean													
Florida, N	5	3	0	0	0	0	0	1	2	1	0	0	0
Florida, M	8	5	8	2	7	2	0	1	4	1	2	0	0
Florida, S	11	7	23	4	18	4	28	5	17	5	15	2	1
Puerto Rico	2	1	3	1	3	1	2	0	0	0	0	0	0
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	26	16	34	7	28	7	30	7	23	7	15	2	1
Great Lakes													
Kentucky, E	1	1	0	0	1	0	1	0	0	0	0	0	0
Kentucky, W	1	1	4	0	1	0	1	0	0	0	0	0	0
Michigan, E	8	6	12	5	9	1	13	5	9	2	6	1	1
Michigan, W	1	1	0	0	0	0	0	0	0	0	0	0	0
Ohio, N	4	3	8	2	5	0	3	0	5	1	0	0	0
Ohio, S	2	1	3	0	2	1	4	0	0	0	0	0	0
Pennsylvania, W	3	2	4	1	3	0	2	0	0	0	0	0	0
West Virginia, N	1	1	0	0	0	0	4	0	0	0	0	0	0
West Virginia, S	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	21	16	31	8	21	2	28	5	14	3	6	1	1

District	AUSAs		FBI		DEA		IRS		Customs		ATF		USMS
	Attorney	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent
Gulf Coast													
Louisiana, E	3	2	8	1	8	3	2	0	3	1	0	0	0
Louisiana, M	1	1	0	0	2	0	1	0	0	0	0	0	0
Louisiana, W	1	1	0	0	1	0	1	0	0	0	0	0	0
Mississippi, N	0	0	0	0	0	0	0	0	0	0	0	0	0
Mississippi, S	1	1	3	0	1	0	1	0	1	0	0	0	0
Texas, E	1	1	0	0	0	0	0	0	0	0	0	1	0
Texas, N	2	1	4	1	3	0	5	0	0	0	0	0	0
Texas, S	7	5	8	4	15	7	6	3	5	1	6	0	1
Texas, W	3	2	4	0	3	0	6	0	2	0	0	0	0
Totals	19	14	27	6	33	10	22	3	11	2	6	1	1
Los Angeles-Nevada													
California, C	9	6	20	5	13	2	12	2	12	2	7	1	1
Nevada	2	1	3	1	3	0	2	0	2	1	0	0	0
Totals	11	7	23	6	16	2	14	2	14	3	7	1	1
Mid Atlantic													
Delaware	0	0	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	0
Maryland	4	4	11	4	6	1	5	2	10	2	3	0	1
Pennsylvania, E	6	4	11	2	8	3	4	0	6	1	0	0	0
Pennsylvania, M	1	0	0	0	0	0	0	0	0	0	0	0	0
Virginia, E	3	2	5	0	2	0	4	0	0	0	0	0	0
Virginia, W	1	1	10	0	1	1	0	0	0	0	0	0	0
Totals	17	12	40	8	20	5	14	2	16	3	3	0	1

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District	AUSAs		FBI		DEA		IRS		Customs		ATF		USMS
	Attorney	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent
Mountain													
Colorado	6	4	7	3	7	1	4	1	2	0	1	0	1
Idaho (mobile)	0	0	0	0	1	0	0	0	0	0	0	0	0
Montana	1	1	3	0	1	0	0	0	0	0	0	0	0
Nebraska (and Iowa)	2	1	6	1	5	0	1	0	0	0	0	0	0
North Dakota (mobile)	0	0	0	0	0	0	0	0	0	0	0	0	0
South Dakota	1	1	0	0	2	0	0	0	0	0	0	0	0
Utah	1	1	1	0	2	0	1	0	0	0	0	0	0
Wyoming (mobile)	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	11	8	17	4	18	1	6	1	2	0	1	0	1
New England													
Connecticut	3	2	4	1	5	1	2	0	2	0	0	0	0
Maine	1	1	0	0	1	0	0	0	0	0	0	0	0
Massachusetts	7	5	12	5	11	4	4	2	9	2	1	0	1
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	1	1	0	0	2	0	1	0	0	0	0	0	0
Vermont	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	12	9	16	6	19	5	7	2	11	2	1	0	1
New York-New Jersey													
New Jersey	5	4	12	2	5	2	5	0	4	1	0	0	0
New York, E	8	6	0	0	16	3	7	1	8	1	3	1	1
New York, N	2	1	5	0	2	0	4	0	0	0	0	0	0
New York, S	8	6	44	9	16	4	7	2	8	1	2	0	0
New York, W	2	1	5	1	2	1	2	0	3	0	0	0	0
Totals	25	18	66	12	41	10	25	3	23	3	5	1	1

Organiz

District	AUSAs		FBI		DEA		IRS		Customs		ATF		USMS
	Attorney	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent
North Central													
Illinois, C	1	1	1	0	2	2	2	0	4	0	0	0	0
Illinois, N	8	6	22	7	20	3	8	1	11	2	0	1	1
Indiana, N	0	0	0	0	0	0	0	0	[illegible]	[illegible]	0	2	0
Indiana, S	1	2	0	1	1	1	4	0	2	0	0	0	0
Iowa, N	0	0	0	0	0	0	0	0	0	0	0	[illegible]	0
Iowa, S	1	1	0	0	[illegible]	[illegible]	0	0	0	0	0	0	0
Minnesota	2	1	6	0	1	0	2	0	0	0	[illegible]	[illegible]	0
Wisconsin, E	2	1	4	0	1	1	0	0	0	0	[illegible]	[illegible]	0
Wisconsin, W	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	17	12	[illegible]	9	[illegible]	[illegible]	[illegible]	1	13	2	0	1	1
Northwest													
Alaska	0	5	0	0	0	0	0	[illegible]	0	0	[illegible]	0	[illegible]
California, E	3	2	8	1	3	0	2	[illegible]	2	0	0	0	3
California, N	2	1	[illegible]	4	0	2	4	1	0	1	0	1	1
Guam	0	0	[illegible]	[illegible]	0	0	[illegible]	0	[illegible]	[illegible]	0	0	0
Hawaii	2	1	1	[illegible]	[illegible]	1	1	0	1	[illegible]	0	[illegible]	0
Oregon	1	1	[illegible]	0	2	0	0	0	[illegible]	[illegible]	0	0	0
Washington, E	1	1	0	[illegible]	1	[illegible]	0	0	[illegible]	[illegible]	0	0	0
Washington, W	2	1	3	0	1	[illegible]	0	0	1	0	0	0	0
Totals	16	11	[illegible]	5	[illegible]	[illegible]	[illegible]	[illegible]	11	1	0	1	3

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District	AUSAs		FBI		DEA		IRS		Customs		ATF		USMS
	Attorneys	Support	Agents	Support	Agents	Support	Agents	Support	Agents	Support	Agents	Support	Agents
South Central													
Arkansas, E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Arkansas, W	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Illinois, S	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Kansas	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Missouri, E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Missouri, W	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Oklahoma, N	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Oklahoma, E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Oklahoma, W	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Tennessee, W	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Southeast													
Alabama, M	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Alabama, N	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Alabama, S	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Georgia, N	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Georgia, M	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Georgia, S	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
North Carolina, E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
North Carolina, M	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
North Carolina, W	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
South Carolina	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Tennessee, E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Tennessee, M	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

District	AUSAs		FBI		DEA		IRS		Customs		ATF		USMS	
	Attorney	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	Support	Agent	
Southwest														
Arizona	3	2	5	2	7	1	3	0	2	1	0	0	0	
California, S	7	5	12	4	12	3	6	2	10	2	5	1	1	
New Mexico	1	1	2	0	3	1	1	0	0	0	0	0	0	
Totals	11	8	19	6	22	5	10	2	12	3	5	1	1	125

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* Four Task Force attorneys and two support positions were added to the Criminal Divisions, Department of Justice for FY 83; nine attorney positions were added to the Tax Division to assist in Task Force tax prosecutions as described on Chapter 3.

** Five additional IRS support positions are assigned to the Treasury Financial Law Enforcement Center, Washington, DC.

*** Thirty three additional Customs support personnel are assigned to the Treasury Financial Law Enforcement Center.

**** ATF has retained a pool of 19 agents and 2 support positions (20 percent of its total) for use in any district on a person year basis as needs arise.

Appendix C
Members of the Working Group on Drug Supply Reduction

Associate Attorney General
U.S. Department of Justice

Administrator
Drug Enforcement Administration

Director
Federal Bureau of Investigation

Executive Secretary
Cabinet Council on Legal Policy

Director of Drug Abuse Policy Office
Office of Policy Development

General Counsel
Department of Agriculture

Associate General Counsel
Legislative and Regulation
Department of Commerce

Deputy Assistant Secretary
Manpower, Reserve Affairs and Logistics
Department of Defense

Deputy Director
National Institute of Drug Abuse
Department of Health and Human Services

Deputy Solicitor
General Law Division
Department of the Interior

Deputy Assistant Secretary
Office of the Assistant Secretary for Budget and Programs
Department of Transportation

Commandant
United States Coast Guard

Assistant Secretary for Enforcement and Operations
Department of the Treasury

Commissioner
United States Customs Service

Deputy Director for Operations
Central Intelligence Agency

General Counsel
Central Intelligence Agency

Associate Director for Economics and Government
Office of Management and Budget

Assistant Secretary
Bureau of International Narcotics Matters
Department of State

Appendix D

Members of the Organized Crime Drug Enforcement Task Force Working Group

Associate Attorney General
Chairman

Deputy Associate Attorney General
Executive Director

Assistant Attorney General
Tax Division

Assistant Commissioner (Enforcement)
United States Customs Service

Director
Bureau of Alcohol, Tobacco and Firearms

Director
United States Marshals Service

Administrator
Drug Enforcement Administration

Assistant Attorney General
Justice Management Division

Assistant Attorney General
Criminal Division

Director
Executive Office for United States Attorneys

Chief
Office of Operations
United States Coast Guard

Assistant Secretary
(Enforcement and Operations)
Department of the Treasury

Assistant Commissioner
(Criminal Investigations)
Internal Revenue Service

Director
Federal Bureau of Investigation

Appendix E
Members of the Washington Agency Representatives Group

DEPARTMENT OF JUSTICE

Criminal Division	Chief, Narcotics and Dangerous Drugs Section
Drug Enforcement Administration	Deputy Assistant Administrator for Operations
	Chief, Operations Management Staff
	Member, Operations Management Staff
Executive Office for United States Attorneys	Deputy Director
Federal Bureau of Investigation	Deputy Assistant Director, Criminal Investigative Division
	Chief, Task Force Organized Crime Section
	Supervisor, Task Force Organized Crime Section
	Supervisor, Task Force Organized Crime Section
Office of the Associate Attorney General	Deputy Associate Attorney General
	Director, Task Force Administrative Unit
United States Marshals Service	Assistant Director for Operations

DEPARTMENT OF TRANSPORTATION

	United States Coast Guard:	Acting Assistant Chief, Operational Law Enforcement Division
		Chief, General Law Enforcement Branch

DEPARTMENT OF THE TREASURY

130	Bureau of Alcohol, Tobacco and Firearms:	Special Agent in Charge, Office of Law Enforcement
		Program Manager/Special Agent, Office of Law Enforcement
	Internal Revenue Service:	Director, Criminal Investigations Division
		Chief, Special Enforcement Section
		Senior Analyst/Special Agent, Special Enforcement Section
	Office of the Assistant Secretary for Enforcement and Operations:	Enforcement Policy Advisor
	United States Customs Service:	Senior Special Agent, Interagency Liaison and Support Section
		Chief, Investigative Operations Branch

Mr. **Rangel**. And, of course, the Congress will always be associated with administrations, whether woeful or not, no matter what party label they enjoy.

But, having said that, I got the clear impression that notwithstanding the fact that you are a vigorous prosecutor, that you have a deep sensitivity to the morale fiber of this Nation and the fact that if we did not have this demand, that if we were involved in education, if we were involved in role models, if we were involved in rehabilitation, that perhaps your job would be a lot easier.

Mr. **diGenova**. Mr. Chairman, I couldn't agree more. But the fact is that the supply side is only part of the problem, that there's a demand out there on the street.

Mr. **Rangel**. And I am agreeing with you. So having said that, do you believe that the Federal Government has a responsibility to be involved in the educational process, the rehabilitation process, and the assistance in the reduction of demand?

Mr. **diGenova**. Absolutely.

Mr. **Rangel**. Now, did you or your staff have an opportunity to take a look at the figures of the amounts of moneys that the administration has requested in this area as you have done so well in the law enforcement area?

Mr. **diGenova**. You mean in education, the education of—no, no, Mr. Chairman.

Mr. **Rangel**. Ben Gilman is a card-carrying Republican and I think he would share with me that there has been over a 50-percent reduction in the amount of Federal dollars that are available to local and State people for treatment, for education, to such an extent that when people go out and tell kids to come forward, and to let Jesus and the good Lord cleanse their soul, and commercials that are saying stop drugs, that some people are saying, don't go too fast, because we really have a waiting list of 1,500 to 2,000 who need treatment, and that unless we have those dollars there can't be too much reaching out.

Do you accept that as being a real problem where the Federal Government should be doing more? Or do you believe that most of it can be done by volunteers?

Mr. **diGenova**. Mr. Rangel, I do not pretend to be an expert on the HHS related and other Federal agency related programs with regard to finance and funding.

Mr. **Rangel**. We will leave nonexpertise alone and go back to where you are.

Mr. **diGenova**. But I will say this, that obviously, as you well know, as a Federal prosecutor, I have utmost support for any effort which is going to educate the potential victims—and, by the way, I disagree with the notion that drug pushing is a victimless crime, which is why it is not calculated on the crime index. There are more victims of these crimes than we could ever calculate.

Mr. **Rangel**. We are not arguing this. It's just that you mentioned the Reagan administration so many times that I had thought that you were familiar with all of its activities because clearly the Reagan administration believes that rehabilitation and education is a local priority and that the national effort should be done by nonprofit charitable organizations and follow the role model that has been so greatly done by the First Lady as opposed to Federal dollars.

Mr. DIGENOVA. I cannot speak for the administration as a whole. I can only speak for the law enforcement aspects of it, of which I have benefited greatly.

Mr. RANGEL. Why don't you let me drop it then, because you are testifying about areas that were so outside of law enforcement, that's the only reason I mentioned it, because I agree with what you were saying. And I had thought that perhaps if we could make more of an effort and give it national direction, policy, and support in the area of reduction of demand, rehabilitation, and education, it might help us all.

Mr. DIGENOVA. Mr. Rangel, I agree with you. In fact, I think the Attorney General, in his initial speech, indicated that they would be in fact proposing additional programs in the area of drug education and prevention in this area. And as far as I know, that is still the plan.

Mr. RANGEL. It's not in the budget. But anyway, let's talk about where you have the expertise, and that's as it relates to the Justice Department. Now, you testified on page 5 that the DEA was reorganized and revitalized. Now, I fought the reorganization in 1973 and I lost, and I had not known that there had been moved legislation to reorganize it since that time.

What reorganization are you talking about? In addition to that, you say they now report to the FBI. And it was my impression that the Drug Enforcement Administration reported to the Attorney General.

Mr. DIGENOVA. Mr. Jackson will address that, Mr. Rangel.

Mr. RANGEL. Well, I wish he would.

Mr. JACKSON. I think you are correct, Congressman. We do this through the Attorney General.

Mr. RANGEL. I just want the expertise of the witness because I am a little expert on the law, and if you guys are reorganizing and we haven't passed new laws, then——

Mr. JACKSON. You would like to know about it.

Mr. RANGEL. Some of the things we want to know about, too, is that you mention our new Attorney General, and he has such broadened powers, but one of them is he is the Chairman of the Drug Enforcement Policy Committee, which I think has a low of power.

Do you know whether or not he has had any meetings of this committee which he has been appointed the Chairman of at all?

Mr. DIGENOVA. I am not privy to any information concerning that committee at all, Mr. Rangel. I could not answer the question one——

Mr. RANGEL. But you know that he is really the actual person in charge of all of drug policy, foreign and domestic?

Mr. DIGENOVA. That is correct.

Mr. RANGEL. But you wouldn't know whether or not he has called together any people to develop any strategy?

Mr. DIGENOVA. I would not be privy to that information because of who I am.

Mr. **Rangel.** OK. Well, now we have to direct ourselves to the successful strategy that has been developed and I assume you are talking about drug-producing countries.

Are you familiar with the State Department report which was issued earlier this year which indicate as it relates to our international strategy that we should expect more production of heroin and marijuana and cocaine coming into the United States?

I mean, this is more in the past woeful years of the previous administration.

Mr. **diGenova.** There is in fact increased production going on in various areas.

Mr. **Rangel.** And so, even in your testimony, you say—and, of course, I don't normally ask questions this way, but following your testimony, that since President Reagan has been in office, increase in overdose deaths have increased by 93 percent. You didn't exactly say it that way, but, you know, you said since 1979.

So what you are saying is that notwithstanding the fact that the previous administration has a woeful record, that the new, energetic, aggressive administration has reduced funds—or that you can't deny that they reduced funds in education and treatment as relate to dealing with demands—and notwithstanding the previous administration that as it relates to overdoses, they have sharply increased; notwithstanding previous administrations, that this administration has stepped up the moneys that have been available to law enforcement and international efforts, that we should expect an increase in production as well as an increase in distribution. And I assume that you are saying that notwithstanding the excellent cooperation that you have had in working with the best that's in the business, that you are not denying that in the District of Columbia that they have an all-time record high of accessibility, purity, distribution, and that the sales are made, bought and sold openly on the streets, some on a 24-hour-a-day basis—and that the mayor of the city of New York who is in charge of the best police effort that we have working in partnership with the best national effort we have, with the best administration that we have had, is saying that there's not much that we can do about it, and he's pessimistic about the battle against drugs.

Mr. **diGenova.** Mr. Rangel, I do not share that pessimism. I must say that the facts are in fact that we have a serious problem. I agree with you 100 percent. We do have increased overdose. We have increased supply. We have also had increased convictions, we have increased resources being devoted to it. I am just glad we are devoting the increased resources to it because I shudder to think how bad it would be if we were not devoting the kinds of resources that we are.

With your suggestion that we did to do more—I concur heartily. This is not an easy job, and it is not going to be one which will be won today, tomorrow, or next week. It is one that is going to take an awful long time.

Mr. **Rangel.** What I am suggesting is that this problem is so serious—and I don't really think it adds anything to it to be critical of past administrations and to talk about the great successes that are being made by this administration when by your own admissions, things are worse in the last 4 years than they have been in the last 20 years. I don't attribute that to Ronald Reagan, nor do I attribute it to the previous years of setbacks that we have had attributed to President Carter, or to Ford. It's a bad situation.

But when you are making a political statement, you should know that some of us are professional in making political statements—sometimes not in this area. But I can tell you that if I challenge you to tell me when you have heard the Secretary of State make any statement that related to the control of the production of drugs at any time during the Reagan administration; if I challenge you to bring the statements that have been made by representatives in the United Nations, bringing moral leadership to these countries who disrespect international law; if I challenge you as to when the President of the United States has spoken out publicly as opposed to within his own political family on this area—I wouldn't do those things because that would be political.

I am suggesting that you are doing a great job in the area that you have that you should depend on your Congress as being a part of that team to provide more resources, and to be speaking out on these areas; and when it's possible to get moneys, to educate our young people, to get better teachers, to give assistance to local enforcement so that they can be true full partners, then your voice should be heard because you would be setting an example for other U.S. attorneys around the country to know that we can't put labels on this problem. We all are going to either beat this problem in a nonpartisan way or we are all going to be hurt no matter who the President is. You are doing a great job and I want you to count on our support.

Mr. diGenova. Mr. Rangel, we have always seen that support, we obviously appreciate it. Let me just say that the vigor with which I represent the law enforcement community here today—at least the Federal regional law enforcement community—is an indication of the desire that we all have and obviously share with you as a Member of Congress who has devoted a considerable amount of his congressional service to this problem, that there are many victims, that there are many jobs to be done, that every one of us spends literally, as it is now, particularly with the problems we face, most of our waking and, indeed, probably our subconscious sleeping time, worrying about these problems.

We have been very lucky in the District of Columbia. Senator Specter has graciously provided us with needed judges, additional prosecutors. This committee has worked with the Senate on that, and through the District Appropriations Committee. We are very much aware of the generosity that Congress has specifically designated for the District of Columbia, which, by the way, isn't just—when we use those resources, they are just not limited to us, they spill over into being used in related jurisdictions because of the kind of cooperation that exists.

I do want to say one thing, and I want to emphasize, that I do think that something is happening now, and not only in Federal law enforcement, but in local law enforcement—and I did not hear the early testimony of the chiefs of police, I had to be at the courthouse. But there is, in my view, an unprecedented level of cooperation and sharing that has never gone on before in Federal and local law enforcement. That is the best sign that I have seen to date about making progress in this area. The people are talking to each other, sharing information, and are willing to, in some instances, give up cases to other agencies. You know that, Mr. Rangel, are aware of the kinds of jealousies that frequently pop up between law enforcement agencies and jurisdictions.

I can say that in the last few years, those barriers have begun to fall. People now realize that they all have a stake in the investigative outcome of a case, whether it's in their jurisdiction or whether their agency is the No. 1 agency or not. And I think that much of that has come from the fact that Congress and the executive branch have worked together in order to create a climate in which people are willing to make the decisions necessary to make things work. Things are working now. They could be better.

Mr. Rangel. Mr. diGenova, I have to say as a person that has done the same work that you have done many, many years ago that I agree with you in the area of cooperation and the setting aside of jealousies, and sharing of information. But I see a tolerance now at both the local and Federal level which I have never seen in my life. The open trafficking of drugs in certain communities throughout these United States are areas which the Drug Enforcement Administration don't get involved in, the Federal Bureau of Investigation are not involved in—and I can assure you that in the city of New York, as I am positively stating in the District of Columbia, the local law enforcements don't get involved in.

What causes this? Obviously, it's because the chief said there's no easy answers. You just can't tell this to the person in the street—you can tell this to the professionals, there's an old warhorse, 50 years with the DEA, he's in, and things are getting better, and we are working closer together. Kids and young parents have never seen drug traffickers take corners, and communities, and openly sell their wares on the street without fear of an arrest. The greatest thing they fear is the inconvenience of having the operation move to another corner.

We know that you can talk to judge after judge, and they will say, where can I put them? You can talk to the best police officers in the world who will tell you, I can't make the arrest because the DA won't take him.

And then I can't tell you how I have to thank the U.S. attorney for even taking Federal violations of the law in the southern district. I mean, that is really—we have a press conference every time he makes a move because, you know, it's a big deal, and I thanked him for his generosity in getting involved in drug cases. Normally, he just deals on, you know, the highest level.

So what I am saying is, that from a professional viewpoint, and improvements have been made with professionals, but I do hope that professionals get together and not say that we are going to have to tolerate turning over our streets to these pushers because we can't lock them up fast enough, and if we do, they don't stay in jail.

To hear professionals have to say that they pick the jurisdictions because some judges lock them up, and some judges don't, is a sad state of affairs—but it's true. And I am certain that you are not satisfied with the way things are. You are doing the best you can, and a good job with what you have to work with.

I would like to point out—apologize to Mr. Jackson, who has done a good job in New York as well as the District of Columbia, while he has been with the Federal Bureau of Narcotics, or when he's been with DEA, or whatever title he has had—but when it comes to law enforcement's feeling a sense of pride in what they are doing, I know when they take a look at our streets where their families live, and our cities, and know the high level of tolerance we have achieved in this country—and it's easy to say, my God, what it would have been without us, but it's bad with you. And we are going to have to develop some kind of a way to wage a war that our friends and allies know alike, that it's a war. We tried to convince the administration to do it, but they will point out that friends are treated differently than nonfriendly countries. And if we can convince the people that the Cubans are spreading the heroin, we will take care of it. But, unfortunately, there are many of our allies and friends that are doing it, and they are reluctant to get involved with the same sanctions. But we are on the same team.

I yield to my distinguished friend and colleague, Mr. Gilman.

Mr. FAUNTROY. Go ahead, Mr. Chairman.

Mr. GILMAN. Thank you, Mr. Chairman. I will try to be brief—I know the hour is late and we have been at it quite a long time.

Mr. diGenova, we have certainly appreciated getting your view of all of the efforts that have gone out of the Justice Department and the administration over the past few years.

I guess the problem that we continually see as we address this is that all of these best efforts when we get to the bottom line haven't really made a dent in what we would like to see accomplished, and that's the same objective that the President said in making us a drug-free society. And gosh knows, right here in our own metropolitan region we have done very little in that direction with all of our efforts, and with all of the attention, and with all of the dollars that are being expended.

If there is something wrong in what we are doing, that's what we are here for, to try to find out how we can improve it. And we hear Chief Turner sit there and say we just don't know what other efforts we can undertake and we are trying to do our best in every direction, and still not being able to accomplish what we want to do. And when we hear about 3 million people in a major metropolitan suburban area with only 30 narcotic officers because of the lack of resources, we know that there are some real problems out there. And when we hear people talk about the need for treatment, for education, the dollars aren't available—we know that that's another problem that has to be attended to, and maybe that's something we can correct in the conference.

We realize that it has to be fought on many fronts—at the source, and we are trying to do something about it in the international community, and we need a great deal more cooperation in that direction. We know that once it gets out into the network—in interdiction, we need to do a lot more, and I think our administration is examining how we can bring the military in to an even greater extent than they are at the present time.

Then enforcement to provide wherewithal to our enforcement agencies—and every time we turn to an enforcement agency, we are confronted with the same response: We don't have the resources to do the job we should be doing. Communications equipment, vehicles, air interdiction, intelligence, all the kind of necessary tools that we need to confront this $100 billion business out there—and we are trying to attack it with a water pistol.

We are in a war and yet we don't provide the kind of weapons that's needed. So when we raise these issues with you, we are trying to explore with you how best we can accomplish what the objectives are.

Now, right there in our own area, today we heard they don't have the resources to have a lab facility. In our Nation's Capital, where we have all kinds of laboratories—our police agencies can't get a proper lab response for some material that they have seized.

Now, as the chief law enforcement officer, it would seem to me that that problem should come to your attention and should have been addressed somehow. I would think that some sort of coordination amongst the agencies could work that out very simply.

Now, I am going to ask you, how frequently you bring these enforcement people together to work on, not only the day-to-day problems, but just work on an overall strategy. Chief Turner said he hadn't been consulted at all by any Federal agency on long-range strategy, on long-range planning.

Do you do any of that long-range planning as the chief law enforcement officer in this region?

Mr. DIGENOVA. Yes, Mr. Gilman. In fact, one of the reasons that the law enforcement coordinating committees exist, which were established in 1981 by Attorney General William French Smith, and exist all over the country, was precisely for that reason, so that we could get——

Mr. GILMAN. Do you have one in the metropolitan area?

Mr. DIGENOVA. Oh, yes; well, we have one in Washington, DC, of which I am the chairman; there's one in the eastern district of Virginia, which——

Mr. GILMAN. How frequently do you meet?

Mr. DIGENOVA. We meet at a minimum every 2 months, which is, believe me, in the history of law enforcement, there has not been that kind of coordination ever.

Mr. GILMAN. Who sits in those meetings?

Mr. DIGENOVA. The gentlemen who are at this table, along with Customs, IRS, Immigration, local police, the Metropolitan Police Department, the corporation counsel of the city of the District of Columbia, every law enforcement agency—Metro Transit Police.

Mr. GILMAN. At those meetings do you discuss long-range policy planning and strategy?

Mr. DIGENOVA. We discuss not only operational problems, such as—the problem has arisen with regard to the lack of availability of laboratory testing space. That has already confronted us. In the U.S. attorney's office alone--

Mr. GILMAN. How is it that it hasn't been resolved?

Mr. DIGENOVA. As you well know, Congressman, we raise issues at our level. We then transmit that information to our respective superiors—be that in the Department of Justice, be that in the county supervisor's office——

Mr. GILMAN. When did you first raise this issue on the lab?

Mr. DIGENOVA. This issue with regard to the laboratories has only been raised recently. This has only become a problem within—that has been brought to my attention—within the last 30 days. We are now trying to quantify that problem to see just how bad it is and what resources we need to ask for. Because once we go and ask for the resources, we want to make sure that we are giving an honest, accurate description of the problem so that those who have to deal with it on a budgetary basis will not be dealing with phony figures.

There has been, as you know, you——

Mr. GILMAN. Has that problem only existed, then, for the last few months? Is it something that has come to your attention——

Mr. DIGENOVA. It has been an intermittent problem with the availability of testing for local jurisdictions. The Federal has not had a problem until recently when we have had a glut of more and more, as indicated in my testimony—45 percent of the felony indictments in superior court are drug cases. That requires a tremendous amount of DEA chemist time, both in analysis and in testimony. That has only become a problem in the last couple of months for us. We are managing it fine.

The problem that exists for the locals is that there is no local regional laboratory. The Federal Government really doesn't have that responsibility, and should not, in my view. That's really a council with governments, local government thing that ought to be handled by the regional government.

We could help them coordinate it, and DEA has been very generous in providing advice and counseling. Maybe Carl Jackson could address it a little bit more specifically.

Mr. GILMAN. Of course, they need more than advice and counsel, and that's what they are looking for, for some help and some allocation of resources, and some utilization of existing labs for some of these.

I don't mean to continue to expand this problem, but I am pointing it out that if it is a local problem, it certainly should have come to your attention earlier; it should have been addressed, if there is some coordination going on here and some long-range planning.

Mr. JACKSON. Mr. Gilman, I meet once a month with the Council of Governments along with many other SAC's here in the area. And this problem that we brought up this morning has not been mentioned at the Council of Governments. It is the first time I heard about the problem of the laboratory. That's the first time I heard that. I would be happy to deal with that.

I might add, on January 16, I made a proposal about a metropolitan intelligence unit to be set up in this area dealing with all the local police departments, modeled after the unified intelligence concept in New York City. We think that would be most effective. Now, we have gotten mixed results on that.

I might add, that at that same meeting, January 16, I provided each chief with a list of people that we have identified to be the people that causes them the most problem in the areas with respect to different kinds of drug trafficking.

Mr. GILMAN. I am pleased to hear those kind of initiatives are under way and I hope you can resolve the lab problem.

Now tell me why would Chief Turner say that he has not been consulted about any long-range planning or any strategic sessions?

Mr. JACKSON. I think he was asked specifically if it was on the national scene or if we have had meetings. I think he did respond that he has had meetings—Norm Zigrossi has been there with the FBI; I have been at those meetings. We have been at the LECC. We had meetings yesterday, or the day before yesterday, at the LECC over here at Fort McNair. It was chaired by the U.S. attorney here, Mr. diGenova, and somebody from the police department was there, and we discussed these kinds of issues.

Mr. GILMAN. Then at your coordinating committee, you do discuss long-range strategy and long-range planning. Do you hold these every month?

Mr. DIGENOVA. It is never any longer than every 60 days. And sometimes it's once a month. If there's a particularly significant problem, we will meet immediately as a group to address it. And this is cross jurisdictional lines.

Mr. GILMAN. Mr. diGenova, are you satisfied with the local enforcement effort with regard to narcotics?

Mr. DIGENOVA. Our work is mostly with the Metropolitan Police Department, and I want to tell you that if anybody can do a better job than they are doing, I would like to know who it is. Because the fact is, the spigot has been turned on in terms of enforcement, and the fact——

Mr. GILMAN. Are you satisifed with the result?

Mr. DIGENOVA. Absolutely.

I am not satisfied that we are catching everybody we should be catching. But the fact is, the police department is devoting tremendous amounts of resources to it. I have 207 prosecutors. With the exception of my civil division, every prosecutor in that office touches narcotics prosecution.

Mr. GILMAN. How many convictions did you have last year out of the number of arrests that were made for narcotics?

Mr. DIGENOVA. Seven thousand convictions. Thirty-six percent of all of the convictions in the District, out of a total of 10,000 convictions.

Mr. GILMAN. And of those convictions, how many were major narcotic traffickers?

Mr. DIGENOVA. I would say the number of major narcotics traffickers is probably in the area of—now there's a difference, major local traffickers, major international traffickers—I would put the number at around 20 to 25.

Mr. GILMAN. Do you feel that you are getting to the real kingpins in narcotic trafficking in the metropolitan area?

Mr. DIGENOVA. Absolutely; we have in the last 24 months, as a result, not only of the Law Enforcement Coordinating Committee, but the Organized Crime Task Forces, had the kind of coordination and the sharing of intelligence with the FBI, DEA, IRS, and Customs, which enabled these agencies who are literally forced to work together and are now enjoying it, as a result of having had some successes like the Cadavid-Colombian drug conspiracy case, that we can do the job. The successes are there to be had if the agencies work together. They are doing that.

And as someone who has the responsibility for coordinating most of these efforts, I can tell you right now, I am very pleased with the level of professionalism, cooperation, and selflessness that has been demonstrated by the various agencies.

Mr. GILMAN. And yet that hasn't made a major dent in the amount of street trafficking, and overdose deaths are climbing rather than going down, and the amount of trafficking seems to be increasing rather than diminishing. How do you account for that?

Mr. DIGENOVA. I account for that by saying that the profits in this business are very high, and they bring into that business as a result, individuals who have an opportunity to make very, very substantial sums of money.

The international narcotics trafficking networks are very sophisticated. It is only within the last 2 to 3 years that the kind of coordinated effort that we need has been actually in place and there has been the kind of cooperation that we need to make a dent.

Now, I would differ, respectfully, with you, Mr. Gilman, about whether or not we are making a dent. And I don't mean to be glib when I say how bad it would be if we weren't making this effort. The fact is that if we weren't doing what we are doing right now, things would be much worse.

I'm not suggesting that's the ultimate standard, that any effort ought to be judged by. I am not suggesting that any of us should be happy with the fact that things are not as good as we would like them to be.

But as a professional, as someone who is engaged in this work on a daily basis, I want to tell you that things have not ever been better in the ability of Federal and local law enforcement efforts to make a difference. We are making a difference. I submit that to this committee respectfully. It is not as good as it could be. We are facing a terrible problem—the flood of drugs in this country.

Mr. GILMAN. That's what we are here to find out. What can we do to make it even better? If it's good, then that's fine. Now, what can we do to make it more effective to get to the President's objective of a drug-free society?

Mr. DIGENOVA. Mr. Gilman, we need to do the two things that I indicated in my testimony. No. 1—and I submit on the record, and I do not dispute either Mr. Rangel and anyone else's statistics on what is being devoted to any of the programs that I alluded to, of which I am not a knowledgeable person. We have got to educate the American people, young and old alike, that when they buy an illegal drug, and they use it, whether regularly or for so-called recreational purposes, that they are stockholders in organized crime—that they are contributing to a continuing criminal enterprise, that they are making it possible for kingpins to make money. That's No. 1.

Mr. GILMAN. Have you made recommendations specifically for the metropolitan area with regard to those educational efforts?

Mr. DIGENOVA. That is one of the things that the Law Enforcement Coordinating Committee is working on now. I have just become a member of the Attorney General's new committee.

Mr. GILMAN. Does the committee make specific recommendations? Since you hold that with such a high regard as part of the effort, I am curious as to what efforts the Coordinating Committee are making in that direction.

Mr. JACKSON. Mr. Gilman, back in November, and again back in January, at the COG, Council of Governments, I made some specific recommendations and offered specific resources—and wrote letters, incidentally—to everyone of the superintendents of the public schools in the various areas: Prince Georges County, Montgomery County, Fairfax, all of these school districts, these school systems, I wrote letters and made resources available.

Mr. GILMAN. What sort of resources?

Mr. JACKSON. People to come out and talk with the students, to participate in various programs that they want to put on, and also to provide them with speakers, and to provide them with some money for some of the programs that they want to put on themselves. I have gotten some fairly good reviews on that, people come back, they appreciated that. And those are the kind of things that I think we have been doing at the Council of Governments.

Mr. GILMAN. When did you start doing this?

Mr. JACKSON. I started doing this back in November.

Mr. GILMAN. And are you getting some favorable results out of that?

Mr. JACKSON. Yes, sir, I think we are.

Mr. GILMAN. Mr. diGenova, what other recommendations do you suggest that can be done to make your efforts even more effective?

Do you have enough resources, first of all, within your department, to do what has to be done?

Mr. DIGENOVA. Well, obviously, not. The fact is——

Mr. GILMAN. Where are you short-handed?

Mr. DIGENOVA. If you are asking me my effort, Mr. Gilman, my local effort as a U.S. attorney, obviously, we need everything that you can think of in terms of support personnel, attorneys. I will tell you one thing that is happening right now that isn't going to help the effort—I have been thrown out of both courthouses by the judges. I have to move my office, which is going to be four blocks from both courthouses now, which is going to be a tremendously disrupting thing. But that has to occur. There's nothing I can do about that.

But, we need prosecutors, we need more support personnel, we need agents, obviously. Those resources, by the way, are contained in the increased budget request.

Mr. GILMAN. Have you made those recommendations to your department?

Mr. DIGENOVA. Absolutely. In fact, that's been going on for a year, which is why the 1986 budget request that Mr. Meese submitted is a record DOJ budget, which includes large numbers of new agents: DEA, FBI, and assistant U.S. attorneys.

Mr. GILMAN. Any other suggestions that you can make to this committee?

Mr. DIGENOVA. We need—I hate to say it—but we need more judges, we need judges who are not afraid to give a long sentence, who aren't going to agonize and be guilt-ridden over it. We need more prison space. The District of Columbia now has—the Mayor has publicly announced that he now supports the construction of either additional prison space or new prison space. There is no doubt about it, that we need that. Otherwise, we are going to be faced with the unwholesome prospect of simply releasing from prison early, one group of felons to accommodate another group of felons.

Mr. Gilman. Is your coordinating committee tackling these problems in trying to get these recommendations implemented?

Mr. diGenova. Absolutely. In fact, we have won on the new prison construction issue. We got the city to agree that we are right.

Mr. Gilman. Any other recommendations that you might make to us?

Mr. diGenova. Yes, I would underscore what I said earlier, and I did not do so glibly, that role models, that people in responsible positions, athletes—I was thrilled to see the Reverend Jackson do what he did at the two schools in these surrounding areas recently.

I must say as a law enforcement officer, was not shocked at the response of the number of students who stood up and admitted that they had either used occasionally or regularly narcotics and dangerous drugs. The fact is, those kinds of exhibitions by respected public officials can do as much to get youngsters, if not people who are more mature, to think about what they are doing—not only to themselves, but to the rest of society.

I mean, you know, every law enforcement official in this room was affected by the death of, in Mexico, of the DEA agent. And people who use drugs and who don't think that has an effect on all of us—that agent might be alive today.

Mr. Gilman. It wasn't the users that put him to death, it was the traffickers that put him to death, and we all recognize that.

Mr. diGenova. I agree with you, Mr. Gilman. I am only saying that the more we can do to educate people that the consequences of their use is significant. It is not a minor matter. It is important.

And those of us in law enforcement have to do the other part of it, too, and we are doing it—I am telling you, as best as we have ever been able to do in this area—every individual at this table, including Chief Turner, who isn't here.

Mr. Gilman. Mr. diGenova, we are not criticizing your effort, we are not criticizing the local law enforcement efforts that are being made here. We recognize the efforts that are being undertaken.

What we are trying to find, though, is how to improve and make those more effective. And for that reason, we welcome your suggestions. Now, the local enforcement officers today told us about lack of resources in many directions.

Mr. diGenova. Yes.

Mr. Gilman. We have a measure that Mr. Rangel and I have proposed that provides some $700 million for local enforcement agencies to supplement their efforts. Now, would you be supportive of that kind of initiative to help local enforcement agencies?

Mr. diGenova. Sure, I would. Absolutely.

Mr. Gilman. And would hope they can add that to the Justice Department.

Mr. diGenova. I would be happy to.

Mr. Gilman. Thank you.

Mr. Rangel. If you would yield—I have taken enough time, Mr. Chairman, but I just want to have something clear—no one is going to take anything away from education in getting these kids not to turn to drugs, and we are going to assume that collectively we will be successful in getting more of an effort there. No one can disagree that we deal with producing countries that have signed agreements, that we are doing business with. We have bilateral agreements, we have economic, technical, military assistance. We are going to have to hope and pray that we will be more effective there, too.

Now, what bothers me—and I am not talking about the District of Columbia, I am talking about our major cities that have been hit by drugs—but here in the District where we have one of the most talented U.S. attorneys, we have an outstanding man with drug enforcement, we have a police chief that stands second to nobody in terms of reputation. We don't find a better working relationship anywhere in the Nation since I have had this committee out on the road—between the cooperation, between local law enforcement and Federal—and I suppose being the Nation's Capital, having such an outstanding representative has something to do with it. And we have got a President that lives here. You know, so this is the President's neighborhood, and he's in charge of the free world.

Now, what I don't understand is how we can say with the great job being done by everybody, that in this small city, by New York standards, that we have given communities over to the drug pushers, and say we are doing a great job—and if a greater job can be done anywhere, I would like to see it done. That's the statement, that's the record.

Now, I am telling you as a father that maybe I have just grown old and mellow, but, you know, I have a 14-year-old and a 17-year-old, and they know I am involved in trying to do something about it. When I walk the streets in New York and Washington, I do it with a heavy heart, that I am letting those kids down. And I know there are adults that can't open businesses, that are afraid to go home, are afraid to leave their homes, and it's getting worse.

Now, what bothers me is that if it is as bad as I know it is, and it's getting worse, and we have got the ultimate in terms of cooperation—I am telling you, we had better change our minds about what we are doing, because I want to hear something coming out of the strategies with the minds that are available, and the resources that could be available, I am not going to turn over communities to these drug traffickers. And I am not going to wait for education to catch up with some of these bums, nor am I going to wait for some of these friendly countries that are pumping this poison outside of their borders, in order to stop it.

Each of us, Mr. U.S. Attorney, has a job to do. And while I am not disputing what you are talking about in terms of the education, I am not going to accept that with your talent, and that of Chief Turner, and that of Carl Jackson—if you guys can't get in a room and say that you have got to give the streets back to the people. Now, it could very well be that the plan that you have is one that is not going to be accepted.

But I am going to push, Mr. Chairman, that these people get together and come up with a plan that says the streets belong to the people—the drug traffickers belong in jail. And if it's an "Alice in

Wonderland" type of thing which we will never be able to achieve, then all I want to know is why is it unachievable?

Mr. FAUNTROY. Mr. Rangel, that's a fitting note on which, I think, to bring this very productive hearing to a close.

I want to thank especially you and Congressman Gilman for your contributions to our hearing today. You have brought not only your welcome experience from the Select Committee on Narcotics Abuse and Control, but also your considerable experience as a former U.S. attorney, and your knowledge as a member of the Judiciary Committee of the levels of professionalism that we generally expect from our U.S. attorneys around the country. So I am very pleased to have had you participate with us today in the hearing.

Mr. diGenova, I had a number of questions that I wanted to tend to you and, obviously, we are out of time, so may I respectfully request that you take these and answer them. I understand from staff that you did not have an opportunity to meet with them in advance, but their questions are very critical to our deliberations, and I would appreciate your answering them.

[The information requested above may be found on page 292 of the appendix.]

Mr. FAUNTROY. It is evident from what we have heard here today that several things have to be done. It is very clear that the distribution and use, and abuse of drugs in this city is not limited to the city, it's a metropolitanwide problem, and I am so pleased at the candid admission of that on the part of everyone here today.

It is clear that it does in fact cross ethnic, social, and jurisdictional boundaries. That in order for there to be any sort of an effective law enforcement impact, we must have the full and open cooperation of all local and Federal law enforcement agencies. And I am looking forward to your acting upon the number of suggestions that have come forward, both from Congressman Rangel, Congressman Gilman, Congressman Parris, and myself, that we put together a regional authority type structure and process that will enable us to far better coordinate and concentrate our efforts on the metropolitan area problem.

It is very clear also that our Federal courts must approach the judging and sentencing of individuals charged with distribution crimes in a realistic view because, as we have heard, there is a disparity in sentencing between various jurisdictions, and that may well be a major contributing factor to the distribution of narcotics in the area and result in a number of difficulties in apprehending violators.

It is finally clear that an intense educational program, as you have pointed out, is needed to call the public's attention to the drug problem as being areawide in scope and, therefore, as active in the suburbs as in the city.

As was stated at the beginning of today's hearings, this is the first in a series of investigative oversight hearings into distributing the use and abuse of narcotics in the Washington area.

In preparation for the next hearing, I will charge the staff with the responsibility to work as vigorously as possible with the local and Federal agencies in law enforcement in drafting an appropriate areawide enforcement approach to be heard at our next hearing, and that time has not yet been set.

I would also call upon them to continue their indepth investigation and to also interview those persons who were involved in prevention and treatment, and prepare them as well for our next hearing.

With that, I bring to a close a very productive hearing on drug trafficking in the Washington metropolitan area.

[Whereupon, at 1:25 p.m., the subcommittee adjourned.]

APPENDIX

IV

99TH CONGRESS
1ST SESSION

H. CON. RES. 161

Relating to drug trafficking in the Washington metropolitan area.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1985

Mr. FAUNTROY submitted the following concurrent resolution; which was referred jointly to the Committees on the District of Columbia and the Judiciary

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CONCURRENT RESOLUTION

Relating to drug trafficking in the Washington metropolitan area.

Whereas the distribution, use, and abuse of drugs is a problem to be found in Arlington and Fairfax Counties in Virginia, Montgomery and Prince Georges Counties in Maryland, and in the District of Columbia (hereinafter referred to as the "Washington metropolitan area");

Whereas there must be full and open cooperation of all local and Federal law enforcement agencies in the Washington metropolitan area to cope with the problem;

Whereas counties surrounding the District of Columbia are being used by drug traffickers as chemical plants for the preparation of phencyclidine (PCP), heroin and cocaine cutting centers, and marijuana packaging houses;

Whereas the streets of the District of Columbia are being used by suburban traffickers and drug users as points of contact for the purchase, sale, and distribution of drugs;

Whereas effective law enforcement to interdict drug trafficking in the Washington metropolitan area is limited by restrictions on the use of Federal manpower and by priorities which preclude the pursuit of drug trafficking below set amounts. Authorities in the Washington metropolitan area are limited by manpower and money from pursuing the trafficking of drugs above set amounts. Thus there is a middle ground between what the Federal Government and local governments are doing. At present those involved in the illegal distribution of drugs are aware of such limitations;

Whereas a regional chemical analysis lab is desperately needed in the Washington metropolitan area for the speedy analysis of drugs confiscated during arrest;

Whereas the medical and pharmaceutical associations in the Washington metropolitan area vigorously police their respective associations for members involved in the diversion of delauded and preludin to the illegal street market;

Whereas there presently exists a wide disparity between courts in the Washington metropolitan area and in other jurisdictions in judging and sentencing of individuals charged with similar drug related crimes and this may well be a major contributing factor in the distribution of drugs in the Washington metropolitan area;

Whereas there needs to be established determinate sentences for drug related offenses and that these sentences be uniformly given throughout the Washington Metropolitan Area;

Whereas at present the combined narcotics force of Fairfax County in Virginia, Prince Georges and Montgomery Counties in Maryland is made up of 31 agents for a population of 2,000,000 and the narcotics force for the District of Columbia is 288 agents for a population of 625,000;

Whereas an intense education program is needed to call the public's attention to the drug problem as being area wide in scope and as active in the suburbs as it is in the District of Columbia; and

Whereas because the Nation's Capital is in the Washington metropolitan area that area should be the leader in addressing its drug problems: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that in order to bring about the changes described in the preamble of this concurrent resolution in as timely and efficient manner as possible there should be established a Washington Metropolitan Area Drug Authority to include the District of Columbia, the cities of Alexandria, Falls Church and Fairfax and the counties of Arlington and Fairfax and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties, and Federal authorities and Federal law enforcement funds to the jurisdictions in the Washington Metropolitan Area should be tied to full and cooperative participation in the Washington Metropolitan Area Drug Authority. There is also to be established a unified intelligence division under the auspices of the Federal Drug

Enforcement Agency. Such drug enforcement task force should be established by a voluntary interstate compact with the cooperation of the Federal Government.

○

April 22, 1985

Mr. Sid Corson, Staff Assistant
Office of Congressman Stan Parris
U. S. House of Representatives
Washington, D. C.

Dear Mr. Corson:

On April 17, 1985, I testified before the Committee on the District of Columbia, Subcommittee of Fiscal Affairs and Health. In response to a question from one of the panel members, I outlined the United States Attorney's guidelines for prosecuting street narcotics dealers. I was later quoted in an article in the Washington Post on those guidelines.

The next day, I was told by my supervisor that the United States Attorney, Mr. DiGenova, had called the Deputy Chief of the United States Park Police, J. C. Lindsey, and complained about my testimony. My understanding is that the Chief apologized to Mr. DiGenova. On Friday, I spoke with Deputy Chief Lindsey. He asked if I had been told about Mr. DiGenova's phone call. I explained I had and told the Chief I would call Mr. DiGenova to try to explain the facts behind my testimony.

Friday afternoon, I finally reached Mr. DiGenova by telephone. I told him I had called to clarify my remarks during testimony on the 17th. I re-stated my remarks in reference to the number of quarters of heroin needed to paper a Possession With Intent to Distribute case in Superior Court. Mr. DiGenova asked what my experience was with those cases and I told him that my officers and Metropolitan Police Department officers had experienced the same standards being applied in papering. He asked how recently this had occurred and I told him about a specific case which had occurred the week before. The arrestee, who possessed seven preludin pills at the time of the arrest, was papered for simple possession rather that possession with intent to distribute. After the preludin incident had been explained, he showed little concern for what he termed "my problem."

Mr. DiGenova told me about his office's success in prosecuting possession with intent to distribute cases and that in law enforcement, there was a right way to deal with problems and that I should have contacted him. I asked if I should call him for every problem and he told me about the excellent working relationship his office had with the Chief of the United States Park Police, Lynn Herring and that I should have gone to Chief Herring. I asked whether it was our responsibility to do this, when the Metropolitan Police Department was the lead law enforcement agency in the District of Columbia and, that we had gone to several supervisors in papering and had received no resolution. Mr. DiGenova's voice began to rise and he told me I should not bring things out in public, but should pursue the proper channels for a resolution. He then asked "Do you feel you did the right thing?" (in answering the congressmen.) I said, "I told the truth." He asked the same question and I answered, "Yes."

Mr. DiGenova's voice became very tight and angry. He said, "As long as you feel that way, I have learned a valuable lesson!" I told him I had not intended to create any conflict with his office. Yelling at me over the phone, he said, "There is nothing more to say, I have learned a valuable lesson, good day, sir!"

I had no chance to reply, and hung up the phone. Within minutes of this Deputy Chief Lindsey received a message via the Force radio, to call Mr. DiGenova's office. As of April 20, I have not been re-contacted by my supervisor or Deputy Chief Lindsey.

At this time, I am concerned that Mr. DiGenova's desire to muzzle me by using his position to intimidate United States Park Police officials may result in some type of punitive action being taken against me. I stand by my testimony without reservation. I appreciate the opportunity I was given to testify before the Subcommittee on April 17 and would be pleased to provide any additional assistance in our mutual fight against drug abuse and trafficking.

Please extend my heartfelt thanks to Congressman Parris for his kind remarks about the United States Park Police narcotics enforcement effort and for his exceptional support.

Sincerely,

Hugh C. Irwin

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIF., CHAIRMAN

WALTER E. FAUNTROY,
DELEGATE, DISTRICT OF
COLUMBIA
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FORTNEY H. (PETE) STARK, CALIF.
GEORGE (MICKEY) LELAND, TEX.
WILLIAM H. GRAY III, PA.
MICHAEL D. BARNES, MD.
MERVYN M. DYMALLY, CALIF.

STEWART B. MCKINNEY, CONN.
STANFORD E. (STAN) PARRIS, VA.
THOMAS J. BLILEY, JR., VA.
MARJORIE S. HOLT, MD.

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN GNORSKI, MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, D.C. 20515

June 4, 1985

Mr. Joseph E. diGenova
United States Attorney
District of Columbia U.S. Attorney's Office
U.S. Courthouse
Third & Constitution Avenue
Washington, D.C. 20001

Dear Mr. diGenova:

It has come to my attention that certain answers given to questions asked of Park Police Lt. Hugh Irwin on April 17, 1985, during the District Committee's Subcommittee on Fiscal Affairs and Health hearing on drug trafficking in the Washington Metropolitan Area, have been questioned by you in telephone calls to U.S. Park Police Deputy Chief, J. C. Lindsay, and in personal conversations with Lt. Irwin.

In reviewing the hearing record, I find Lt. Irwin's answers to be in complete agreement with the answers given to the same questions asked of D.C. Police Chief Turner, Fairfax Acting Chief Grandfield, Prince Georges County Narcotics Division Director Major James Ross, and Montgomery County Narcotics Commander Hottinger.

To help me understand the issue in your questioning Lt. Irwin, I ask that you respond to the following questions in writing.

1. Do you have any information contrary to the answers given by Lt. Irwin?

2. Do you have any reason to believe that Lt. Irwin was not responding truthfully to questions by the Members of this Committee?

3. Is there any reason that Lt. Irwin should have responded differently to questions raised by the Committee?

I am sure that you understand that under some circumstances career government law enforcement employees may feel nervous about their future role in Congressional hearings as well as some concern for their careers when they are challenged directly as well as through their superiors by a U.S. Attorney.

It was and is the purpose of this Committee to be thorough in its investigative and oversight activity to produce constructive resolutions of problems and to seek the widest possible support.

We look forward to your continued and helpful participation in this very difficult area.

Sincerely,

Walter E. Fauntroy

WALTER E. FAUNTROY
Chairman, Subcommittee on
Fiscal Affairs & Health

U.S. Department of Justice

United States Attorney
District of Columbia

United States Courthouse, Room 2800
Constitution Avenue and 3rd Street N.W.
Washington, D.C. 20001

June 20, 1985

Honorable Walter E. Fauntroy
Chairman, Subcommittee on
  Fiscal Affairs & Health
Committee on the District of Columbia
1310 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter dated June 4, 1985. In it, you allude to certain conversations I have had with United States Park Police Deputy Chief J.C. Lindsey and United States Park Policeman Hugh Irwin. Your letter appears to assume that in those conversations I have challenged the accuracy of the testimony provided by Lieutenant Irwin to members of the District Committee's Sub-Committee on Fiscal Affairs and Health on April 17, 1985. Such an assumption would be both unfortunate and erroneous.

My discussions with Deputy Chief Lindsey and with Lieutenant Irwin have revolved around one issue and one issue only: Has this Office maintained a sufficiently aggressive policy in prosecuting street-level drug dealers under felony statutes whenever admissible evidence and our limited prosecutive resources permit?

On May 17, members of my front office staff and I met with Deputy Chief Lindsey together with Lieutenant Irwin to discuss this Office's felony drug charging policy. At the conclusion of the meeting, both Officer Irwin and Chief Lindsey agreed that our policies have been both responsible and eminently fair. Further, we intend to build upon our past successes.

I remain firmly convinced that this Office is filing felony charges whenever it is appropriate, under case law, to do so. As you are well aware, in 1984, Superior Court grand juries returned 1,985 drug-related indictments, up from 219 in 1979. These cases accounted for 45% of all felony indictments returned in Superior Court and represent a remarkable team effort by prosecutors and police officers.

I hope this letter assists you. This Office looks forward to working with you on the severe drug problems facing the Nation's Capitol and welcomes your suggestions and support.

Sincerely,

JOSEPH E. DIGENOVA
United States Attorney

EXAMPLE OF THE U.S. ATTORNEY'S TEN "QUARTER" GUIDELINE POLICY

On Tuesday, 12/4/84, members of the Third District Drug Enforcement Unit, responding to a local citizen's specific complaint of heroin trafficking in a nearby alley, conducted observations in the area of 11th and M Streets, N.W. At about 6:00 p.m. and continuing until 6:50 p.m., the two observing officers observed two males known to them by name and also known to them as lieutenants in the "Direct Hit" heroin organization. The two males were involved in a pattern of heroin distribution in which one took money from buyers and the other then passed out small heroin packets to them. Immediately thereafter, the buyers would leave, as would the two males. When they returned, the pattern was repeated.

At 6:32 p.m. a sale fitting this pattern was observed, and the buyer was arrested with a "quarter" of heroin recovered. The backup teams were advised to arrest the two males, who had again departed the area, as soon as they reappeared. They returned to the area about 6:50 p.m., and as the marked police cruisers appeared, the male who had been holding the narcotics threw a bundle of nine (9) heroin quarters under a parked car, also throwing a .22 caliber revolver to the ground at the same spot. The so-called "money man" began to run north on 11th Street, N.W., but was arrested, with the recovery of $547.00 and a .22 caliber revolver.

The males were charged with Distribution of Heroin and also Possession With Intent to Distribute Heroin & Carrying a Pistol Without a License. At papering on 12/5/84, the felony "screening" assistant, Daniel Cissin, broke the cases down to misdemeanors, charging possession of heroin instead of either distribution or possession with intent to distribute. He was challenged on this by the papering officer, who advised Mr. Cissin that these were major heroin distributers, both armed, and that they were known to the police as the major source of heroin in the 11th and M Street area.

Mr. Cissin's response was that if they were major dealers, why didn't they have long arrest records.

More importantly, Mr. Cissin said that they could not be charged with possession with intent to distribute heroin because they only had nine (9) packets at the time of their arrest. When told that even ignoring the other circumstances, the total of heroin packets seized, including the buyer's "quarter", made a total of ten. Mr. Cissin advised the officer that he would only count, for guideline purposes, the heroin charged to each defendant, and that as the officer knew, it took a seizure of ten quarters to qualify as possession with intent to distribute.

United States Department of the Interior

NATIONAL PARK SERVICE
HEADQUARTERS, UNITED STATES PARK POLICE
1100 OHIO DRIVE, S. W.
WASHINGTON, D. C. 20242

IN REPLY REFER TO
NCR-PPTCP
June 17, 1985

Memorandum

To: Commander, Operations Division

Through: Commander, Criminal Investigations Branch

From: Commander, Tactical Crime Patrol

Subject: Felony Breakdown and U.S. Attorney Guidelines

At the conclusion of our May 17, 1985 meeting with Mr. DiGenova, we were assured that his guidelines would be clarified to the papering supervisors and assistants. On June 8, 1985, a felony arrest which exceeded the guidelines was broken down to a misdemeanor. At this point, it appears that our meeting with Mr. DiGenova did not accomplish its stated purpose. Mr. DiGenova indicated to you that I had testified before Congress to felony papering guidelines. This had caused him some difficulty during his testimony. My statements were accurate and appropriate. The distress he conveyed to you appears to have been inappropriate based upon the observed application of his stated guidelines. While the U.S Attorney for the District of Columbia wants to take the credit for the increase in narcotics prosecutions, he seems less willing to bear the responsibility for a lack of prosecution in selected cases.

I have no intention of eliminating prosecutorial discretion based upon the merits of the case. However, as an official of the United States Park Police, I must bring those arrests to your attention which are broken down because of the personality of the papering assistant and not the merits of the case.

On June 7, 1985, Officer R.N. White observed a subject later identified as Garik Johnson sitting in a car parked on Ponds Street, NE, D.C. Knowing that this is a high narcotics use and sales area, and having seen actions consistent with possession and use of narcotics, Officer White, assisted by Officer J.W. Moore approached the car to question the suspect. When the suspect exited the car, a roll of eight quarter bags of heroin was observed in plain view. Johnson was arrested and in a search incident to arrest, four additional quarter bags of heroin were recovered from under the floor mats in the front seat area. During questioning after being advised of his Miranda rights, Johnson admitted that all twelve quarters(with a street value of approximately $480.00) were his. A check of Johnson's criminal record revealed numerous prior narcotics offenses.

Officer White responded to D.C. Superior Court on June 8, 1985, to paper the charges against Garik Johnson. After picking up Johnson's criminal record and completing a Promis check, he waited in line to see the Felony papering assistant. At approximately 1020 hours, he spoke to AUSA Saffron. Apparently before discussing the case at all, Mr. Saffron asked why Officer White was showing up at 10:20 and not at 8:00 in the morning. Mr. Saffron's tone was apparently derogatory and accusatory and after reviewing the case, he wanted to know why Officer White was out on Ponds Street and not in the park. He also asked what the defendant said during questioning. It is my understanding that Officer White answered his questions and, when asked if anything else was said, told the AUSA that he could remember nothing relevant. Mr. Saffron then told Officer White that he, not the officer, would decide what was relevant and kept asking what was said. Officer White said he could remember nothing else and both AUSA Saffron and AUSA Robert Morgan began asking questions. Officer White showed Mr. Saffron a copy of the memorandum I prepared explaining Mr. DiGenova's guidelines and asked if he was aware of them because the case clearly met Felony guidelines. Mr. Saffron then left the officer to see how his supervisor wanted to paper the case. Not finding a supervisor, he decided to have the case papered as a misdemeanor even though he felt it should be "no papered" because of Officer White's "refusal" to answer his questions.

Officer White went to a misdemeanor AUSA, Mr. Robert Parks, and had Johnson's case papered as a misdemeanor. I spoke with AUSA Parks shortly after the incident with Mr. Saffron had occurred and Mr. Parks told me that Officer White had been totally cooperative and, in fact, that Officer White is known for his cooperative and easy-going nature during papering.

I asked Mr. Saffron if I could speak with him after Officer White told me what had happened. Mr. Saffron's story was diametrically opposed to that offered by Officer White. Mr. Saffron and Mr. Morgan both said that Officer White had been uncooperative and argumentative and had flatly refused to answer any of Mr. Saffron's questions. They both painted a picture which contradicts ~~my~~ knowledge of ~~his~~ professional behavior. On the other hand, I have often found Mr. Saffron to be unnecessarily brusque and, at times, demeaning. Other officers have expressed the same feelings.

We discussed the case, and I attempted to have Mr. Saffron reconsider his decision on the basis of the merits of the case. He told me that he felt the misdemeanor decision was correct but that he would have preferred to no paper the case because of Officer White's refusal to answer his questions. I tried to address the case, but he kept referring back to the time the officer had arrived for papering and, Officer White's alleged refusal to answer his questions and that Officer White had asked about the Felony papering guidelines. I told Mr. Saffron that I would like to speak with his supervisor. He suggested AUSA Randy Teslik and I made an appointment to see Mr. Teslik on Thursday, June 13, 1985, at 1000 hours.

Arriving at his office, I told Mr. Teslik that I would like to have the case reconsidered for Felony papering and I would like to resolve any differences or negative feelings that may have been present after Saturday's papering incident. Mr. Teslik started by telling me he would have no papered the case simply on the basis of the officer's refusal to answer the attorney's questions. During the course of our discussion, Mr. Teslik refused to compromise in any way on the issue of Mr. Saffern's attitude, the appropriateness of his questions, or, for that matter, on his office's absolute discretion, despite Mr. DiGenova's guidelines, in decisions relating to papering cases as felonies or misdemeanors.

While I don't want to interfere with the Office of the U.S. Attorney, I do feel the Garik Johnson case not only meets, but exceeds the requirements outlined by Mr. DeGenova in our May 17, 1985, meeting. If the merits of the case were such that it should be broken down, then I have no problem with Mr. Saffern's decision. Instead, this case was broken down because of an erroneous perception that the officer was uncooperative and refused to answer the attorney's questions. I am satisfied that the officer did answer the attorney's questions to the best of his ability and that the decision to break this case down was not based on the merits of the case.

Ultimately, our responsibility to serve the public is being eroded by this type of felony breakdown. Each of our officers makes daily decisions on the merits of his or her cases and arrests. We charge arrestees on the basis of the facts available to us and the standards promulgated by the U.S. Attorney. When individual attorneys fail to then follow established guidelines, officers may become apathetic and dissociate themselves from a system which refuses to provide guidance and support in prosecutions.

With your support, all of these issues can be successfully resolved to the benefit of the Force, the Office of the U.S. Attorney and the public.

Lieutenant Hugh C. Irwin

JUN

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 28, 1985

Honorable Walter E. Fauntroy
Chairman, Subcommittee on
  Fiscal Affairs and Health
Committee on the District
  of Columbia
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is to acknowledge receipt of your letter dated May 13, 1985 requesting responses to additional questions not answered during the hearing on April 17, 1985.

A further response from Director Webster will be forthcoming in the near future.

Sincerely,

William M. Baker

William M. Baker
Assistant Director
Office of Congressional
  and Public Affairs

75 FBI

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

August 6, 1985

Honorable Walter E. Fauntroy
Chairman, Subcommittee on Fiscal Affairs and Health
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In your letter of May 13, 1985, you enclosed questions relating to your April 17, 1985, hearing. You requested that the FBI respond to "those questions deemed appropriate." The questions have been carefully reviewed by our Washington Field Office and here at Headquarters. Most of the questions were designated for United States Attorney Joseph DiGenova, with some designated for Drug Enforcement Administration and Customs. Our review has determined that we can add nothing further in response to the questions.

Sincerely yours,

William H Webster

William H. Webster
Director

Customs' Response to Inquiries During the Hearing on Drug Trafficking

QUESTION: What is the magnitude of the drug problem at Dulles International and Baltimore/Washington International Airports? Do you have sufficient resources?

ANSWER: Dulles Airport

During fiscal year 1984, there were approximately 200,000 passenger who arrived in the United States at Washington-Dulles International Airport. The level of Customs inspectional staffing was sufficient during that period to process the passengers through Customs. Also, there were no unusual or lengthy delays encountered during this time, and only two passengers were arrested by Customs for attempting to smuggle narcotics. In spite of this, the potential for narcotic smuggling remains high, i.e., all the flights arriving at Washington-Dulles depart from foreign hub cities where other flights from source countries connect and interchange passengers.

In fiscal year 1985, however, the potential for narcotic smuggling appears more threatening. As of March 31, 1985, there has been a significant increase in the number of narcotic seizures made at Washington-Dulles Airport. And with the increase of Pan Am's passenger flights scheduled for Washington-Dulles starting June 1, 1985, the potential increases even further. It will also present a serious strain on existing staffing resources as well. These problems will be further compounded by the recent increase in other airline passenger arrivals, i.e., TWA and Air France in addition to Pan Am's flights. It is projected that the passenger arrivals will almost double in fiscal year 1985.

The following is a summary of the statistics for narcotics interdicted at Washington-Dulles Airport in the last 18 months:

FY 1984

.9	lbs. hashish
.81	lbs. marijuana
1.6	lbs. opium (cargo shipment)

FY 1985

Two heroin seizures each less than 1 lb. on internal body carriers
Less than 1 lb. cocaine
Less than 1 lb. hashish
Less than 400 lbs. marijuana (cargo)
Small amounts of other drugs - pills

In view of the above, it has been determined that additional inspectional staffing will be required to handle the additional work load and to ensure that the Customs and other agency requirements are complied with. Moreover, the present federal inspection facility in the passenger international arrivals area at Washington-Dulles is inadequate to handle the increased work loads. Therefore, in order to facilitate the traveling public through the federal clearance process expeditiously and without delays a new or expanded passenger facility should be provided.

Baltimore Airport

In the past year Customs Baltimore has seized heroin coming off from Turkish and Pakistani cargo vessels, as well as coordinated seizures of heroin from Nigeria via Baltimore/Washington airports. Intelligence has been developed that there are organized drug trafficking and smuggling rings operating out of the Baltimore area.

Furthermore, Customs and DEA are establishing a joint operation targeting drug smuggling in the port of Baltimore. All information gathered so far has indicated a significant increase in drug activity and enforcement in this district.

Seizures for FY 84 - October 1, 1983 through September 1984

1	4.3 kilos	Heroin
20	86.87 lbs.	Marijuana
1	2.25 lbs.	Hash Oil
1	1.25 grms.	Cocaine
2	440 tabs	ODA
1	2 oz	Cocaine
1	2 lbs.	Opium

June 1983

1	1.75 lbs.	Heroin

Seizures for FY 85 - October 1, 1984 through March 28, 1985

10	80.766	Marijuana
2	31 lbs.	Hash
1	30 grms.	Hash Oil
1	4.13 tabs	OAD
3	3.75 kilos	Heroin
1	4 grms.	Heroin
1	1 oz	Cocaine

There are sufficient resources at Baltimore to handle the current workload.

U.S. Department of Justice

Handbook on the Comprehensive Crime Control Act of 1984 and Other Criminal Statutes Enacted by the 98th Congress

December, 1984

CHAPTER V. DRUG ENFORCEMENT AMENDMENTS

(H.J. Res. 648, pp. 232-241)

Summary

Chapter V consists of two parts -- part A, which contains the Controlled Substances Penalties Amendment Act of 1984, and part B, which sets forth the Dangerous Drug Diversion Control Act of 1984. The most significant drug penalty amendments contained in part A: (1) raise the maximum term of imprisonment and fines 1/ for Controlled Substances Act offenses involving a schedule I or II controlled substance; (2) raise the fines for offenses involving all other drugs and make the double-penalty provision for recidivists applicable after the establishment of prior state, federal, or foreign convictions; (3) similarly amend the parallel provisions of the smuggling laws to reflect the increased penalties; (4) provide a new offense of cultivating controlled substances on federal land; and (5) add a new offense of violating drug laws in or near schools.

The drug diversion control amendments contained in part B: (1) permit emergency scheduling of new drugs of abuse; (2) expand the grounds for the revocation and denial of practitioner registrations; (3) permit a three-year registration period for practitioners; (4) clarify practitioner recordkeeping requirements; (5) authorize the seizure of controlled substances in the hands of defunct registrants; (6) permit federal grants for state and local diversion control efforts; and (7) clarify definitions to make the prosecution of all controlled substance violations less subject to attack by "expert" witnesses.

The new drug penalties should not be sought with respect to criminal conduct that occurred prior to October 12, 1984.

Analysis and Discussion

A. Part A. Drug Penalty Amendments

1. 21 U.S.C. 841(b)(1). Penalties for trafficking offenses involving schedule I or II narcotics, PCP, and LSD

Three distinct categories of penalties have been created in 21 U.S.C. 841(b)(1) -- enhanced penalties of up to 20

1/ With respect to references to fine levels in the discussion of the provisions of this chapter, see the analysis of the new general fine levels which appears in the discussion concerning chapter IIA, above.

years' imprisonment and a fine of $250,000 for offenses involving certain large amounts of schedule I or II narcotic drugs, PCP, and LSD; regular penalties of up to 15 years' imprisonment and a $125,000 fine for offenses involving all schedule I or II controlled substances that are not subject to an enhanced or diminished penalty; and diminished or reduced penalties for offenses involving less than certain amounts of marihuana, hashish, hashish oil, and all schedule III controlled substances. Specifically, the changes to the Controlled Substances Act are as follows:

a. Section 841(b)(1)(A) provides a maximum 20-year prison term and $250,000 fine (double for recidivists) for offenses involving the following quantities of a schedule I or II narcotic drug, PCP, or LSD:

-- a schedule I or II narcotic drug (other than cocaine) - "100 grams or more ... which is a mixture or substance containing a detectable amount of a narcotic drug other than [cocaine or its equivalent];"

-- cocaine - "a kilogram or more;"

-- PCP - "500 grams or more;"

-- LSD - "5 grams or more."

It should be noted that the first subcategory -- involving schedule I or II narcotic drugs other than cocaine -- provides for the inclusion of diluents in the computation of quantity, whereas the other subcategories -- involving cocaine, LSD, and PCP -- do not so provide.

b. Section 841(b)(1)(B) is the former 21 U.S.C. 841(b)(1)(A), renumbered and made applicable to all schedule I or II offenses by deletion of the phrase "which is not a narcotic drug" in the first sentence. The maximum term of imprisonment remains 15 years, but the fine is raised from $25,000 to $125,000 (double for recidivists). This provision will apply to all schedule I or II offenses unless they qualify for inclusion in the enhanced penalty provisions of the new 841(b)(1)(A) or involve "small" quantities of marihuana, hashish, or hashish oil, which receive a lesser penalty under 841(b)(1)(C).

c. Section 841(b)(1)(C) is the former 21 U.S.C. 841(b)(1)(B), renumbered and made applicable to "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil," as well as to any controlled substance in schedule III. This provision was formerly applicable to any non-narcotic schedule I or II drug, or to a schedule III drug. The maximum term of imprisonment remains five years, although the fine is raised from $15,000 to $50,000 (again, double for recidivists).

Chapter V both creates and resolves problems concerning special parole. Because the new sentencing provisions of chapter II anticipate the elimination of all, Congress did not include special parole in the new 21 U.S.C. 841 (b)(1)(A). However, because the sentencing reforms will not become effective for two years, the lack of a special parole term in subsections (b)(1)(A) will create a disparity between that subsection and subsections (b)(1)(B) and (b)(1)(C), which retain their special parole language until the sentencing reform take place. Chapter V resolves a special parole problems by deleting former 21 U.S.C. 841(b)(6), which failed to mention the applicability of a special parole term to convictions involving the distribution of over 1,000 pounds of marihuana. This deletion, together with the inclusion of 50 kilograms or more of marihuana in the new 21 U.S.C. 841(b)(1)(B) -- which specifically mentions a special parole term -- should answer questions concerning the imposition of a special parole term for this type of offense. Also, the deletion of 841(b)(6) and the changes to the counterpart provisions in the Controlled Substances Import and Export Act, discussed below, have eliminated a potential source of disparity in sentences for distribution and smuggling offenses involving large quantities of marihuana.

2. 21 U.S.C. 841(b)(2) and (b)(3). Penalties for trafficking offenses involving other drugs 2/

21 U.S.C. 841(b)(2) and (b)(3) are basically left unchanged except that the fines in (b)(2) (schedule IV drugs) and (b)(3) (schedule V drugs) are raised to $25,000 and $10,000, respectively.

3. 21 U.S.C. 960(b). Penalties for drug import and export offenses

The penalty provisions of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) are likewise amended and renumbered to the same effect (including the penalty provisions), with the result that the 960 series now roughly parallels the 841 series, except that the 960 series counterpart to 841(b)(1)(C) -- which is 21 U.S.C. 960(b)(3) -- is also applicable to any quantity of a controlled substance in schedule IV or V, and is not limited to the lower quantities of marihuana, hashish,

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2/ 21 U.S.C. 841(b)(4), regarding the distribution of a small amount of marihuana for no remuneration, is changed only to conform with the changes in other sections noted above.

hashish oil, or to schedule III controlled substances, as it is in the new 21 U.S.C. 841(b)(1)(C).

4. 21 U.S.C. 841(b)(5). Penalties for cultivation of drugs on federal property

The new 21 U.S.C. 841(b)(5), relating to the cultivation of controlled substances on federal property, provides a $500,000 fine for an individual and a $1,000,000 fine for a person who is not an individual (e.g., a corporation, partnership, association, or society). These enhanced fine levels replace only the otherwise applicable fines and, thus, may be levied in addition to any term of imprisonment that may be imposed under 21 U.S.C. 841(b)(1). The former 21 U.S.C. (b)(5) (relating to PCP) has been deleted due to its inclusion in 841 (b)(1)(A) and (B).

All of the above penalty provisions, new or amended, now contain language to the effect that the doubling provision for recidivists will be applicable following the finality of a defendant's conviction for a felony under any "law of a State, the United States, or a foreign country" relating to narcotic drugs, marihuana, or depressant or stimulant substances. Under the prior language, it was unclear whether prior state convictions made the doubling provision operable, and certainly foreign convictions did not. When doubt arises whether a foreign conviction has become final under foreign law, the Criminal Division's Office of International Affairs (724-7600) should be consulted.

5. 21 U.S.C. 845A. Distribution in or near schools

The new 21 U.S.C. 845A provides, in subsection (a), that "[a]ny person who violates [21 U.S.C. 841(a)(1)] by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section [841](b) for a first offense involving the same controlled substance and schedule." Persons who violate this provision after a prior conviction under 845A(a) has become final are punishable by a minimum, partially mandatory, sentence (as provided for in 845A(c)) of not less than three years' imprisonment or more than life imprisonment, and "at least three times any special [parole] 3/ term authorized by section [841(b)]

3/ The word "parole" appears to have been accidentally omitted from this subsection. A technical amendment to the statute will be sought to correct this omission. In the meantime, however, because of the cross-reference, there is no ambiguity concerning the intended meaning.

for a second or subsequent offense involving the same controlled substance and schedule." It should be noted that 21 U.S.C. 841(b) and 845 provide explicitly that persons who violate section 845A are to be sentenced under that statute, to the exclusion of the other provisions.

6. 21 U.S.C. 846 and 963. Conspiracies and attempts

Although the conspiracy and attempt provisions contained in 21 U.S.C. 846 and 963 have not been specifically modified, language in those two provisions to the effect that violations are punishable by "imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy" clearly makes the new penalties applicable to attempts and conspiracies which are initiated or continue after the effective date of the Act.

7. Title 21. Forfeiture provisions

Several sections of chapter III of the Comprehensive Crime Control Act of 1984 make extensive changes in the criminal and civil forfeiture provisions of title 21. These drug-related amendments, which include creation of a general forfeiture provision for all drug cases, coverage of real property in the civil forfeiture provisions of 21 U.S.C. 881, and creation of a substantive title 21 offense proscribing the investment of illicit drug profits, are discussed in detail in the material dealing with chapter III.

B. Part B. Drug Diversion Control

The drug diversion control amendments represent the first major updating of the regulatory provisions of the Controlled Substances Act and the Controlled Substances Import and Export Act since their enactment in 1970.

1. 21 U.S.C. 802. Amended definitions

The definition of the term "isomer" in 21 U.S.C. 802 is expanded to include optical, positional, or geometric isomers of schedule I hallucinogenic substances (schedule I(c) in section 802) and the optical or geometric isomers of cocaine and related substances in schedule II (schedule II(a)(4) of section 802). This change eliminates the so-called "isomer defense" in cocaine prosecutions. See, S. Rept. 98-225, at 263, and United States v. Fince, 670 F.2d 1356 (4th Cir. 1982), cited therein. Also, the term "narcotic drug" contained in 21 U.S.C. 802 is redefined to unify opium and opiates in a more concise paragraph, to add poppy straw and its concentrate, to define coca leaves more clearly, and to give cocaine and ecgonine a specific listing within the section.

2. 21 U.S.C. 811. Emergency scheduling

21 U.S.C. 811 is amended to authorize the Attorney General, through the Administrator of the Drug Enforcement Administration, to schedule a drug in schedule I for up to one year on an emergency basis if it is determined that such scheduling is necessary to avoid an imminent hazard to public safety. This amendment reflects the concern caused by the rapid proliferation of so-called "designer drugs" -- new chemical variations of existing controlled substances or other substances with a high potential for abuse. Recent examples of this phenomenon include the "China White" episodes in California and the clandestine manufacturing of PCE and PHP, which imitate the effects of PCP. The new scheduling procedure for emergency situations requires the Attorney General to consider only three of the factors listed in 21 U.S.C. 811(c), instead of the eight factors generally required to be considered. The three factors are: the history and current pattern of abuse of the drug; the scope, duration, and significance of its abuse; and the risk to public health, "including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution." Unlike traditional scheduling, which requires scientific and medical recommendations from the Secretary of Health and Human Services, the Administrator may enter the emergency, non-judicially-reviewable scheduling order without regard to the statutory requirements relating to the Secretary of HHS. The temporary emergency scheduling can be extended for up to six months.

3. 21 U.S.C. 811(g)(3). Exemptions

The power of the Attorney General, through the DEA Administrator, to exempt certain preparations which contain quantities of controlled substances is clarified in a new paragraph (3) of 21 U.S.C. 811(g). Under this provision, the Administrator may now exempt preparations containing non-narcotic controlled substances which are approved for prescription use and contain one or more other active ingredients not listed in any schedule, as long as the products are in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse. The Administrator may also exempt preparations which are not for administration to human beings or animals and are packaged in such concentration, or with such denaturants or adulterants, that they do not present a significant potential for abuse.

4. 21 U.S.C. 822(a). Registration period

21 U.S.C. 822(a) is amended to include a provision allowing the Attorney General, through the Administrator of DEA, to issue registrations for a period of from one year up to three years for persons who dispense, or propose to dispense, controlled substances (e.g., pharmacies and physicians). The annual registration requirement for distributors and manufacturers

remains unchanged. Regulations implementing the possible three-year registration for practitioners will be issued soon.

5. 21 U.S.C. 823(f). Denial of registration

The Attorney General, through the Administrator of DEA, may now deny applications for registration under 21 U.S.C. 823(f) if he determines the registration to be inconsistent with the public interest. The factors to be considered in making this determination are:

- the recommendation of the appropriate state licensing board or professional disciplinary authority;
- the applicant's experience in dispensing or conducting research with respect to controlled substances;
- the applicant's conviction record under federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances;
- compliance with applicable state, federal, or local laws relating to controlled substances; and
- such other conduct which may threaten the public health and safety.

It should be noted that the original language of the fifth factor (viz., "such other factors as may be relevant to and consistent with the public safety") was changed in the House Judiciary Committee after concerns were raised by the American Medical Association, the American Pharmaceutical Association, and the American Veterinary Medical Association. The resulting language met the concerns of these professional organizations and still provides DEA with grounds for denying registration in addition to those specified in the first four factors.

6. 21 U.S.C. 824(a). Revocation or denial of registration

The grounds for revocation of registration or for denial of an application for registration, set forth in 21 U.S.C. 824(a), are expanded to include a recommendation of suspension, revocation, or denial of registration by a competent state authority, as well as the new public interest ground discussed above. These grounds are in addition to the previously existing grounds (viz., conviction of a felony relating to controlled substances, lack of state authorization to handle controlled substances, and material falsification of an application). These new grounds for revocation allow state investigative and regulatory agencies to refer cases to DEA for administrative action without the necessity of pursuing a criminal investigation.

7. 21 U.S.C. 824(g). Seizure of drugs from a defunct or disqualified registrant

Pursuant to newly enacted 21 U.S.C. 824(g), the Attorney General, through the Administrator of DEA, may now seize or place under seal any controlled substances owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner contemplated by his registration. The Attorney General is required to hold the controlled substances for the benefit of the registrant or his successor in interest, must notify the registrant or successor of the procedures to follow in securing the return of the drugs, and may not dispose of them for 180 days. The forfeiture procedures to be used in such cases are those applicable to administrative and judicial forfeitures.

8. 21 U.S.C. 827(c)(1). Recordkeeping requirements

21 U.S.C. 827(c)(1), which sets forth exemptions from the general recordkeeping requirements imposed on practitioners with respect to their prescribing, dispensing, or administering of controlled substances, is amended to eliminate the distinction between narcotic and non-narcotic controlled substances for the purposes of these requirements. The changes also reflect that the recordkeeping requirements are inapplicable to the prescribing of controlled substances in schedules II through V by practitioners acting in the lawful course of their professional practice unless the substance is prescribed in the course of maintenance or detoxification treatment. Recordkeeping requirements are also made inapplicable to the administration of controlled substances in schedules II through V unless the practitioner regularly engages in dispensing or administering controlled substances and charges his patients, or unless the substance is administered in the course of maintenance or detoxification treatment. The rationale for these amendments is stated in S. Rept. 98-225, at 268: "The present lack of recordkeeping with respect to the dispensing of non-narcotic drugs is a serious problem in detecting illicit sale and diversion by practitioners. These amendments eliminate this loophole while still preserving a recordkeeping exemption for prescriptions and limited administration of controlled substances within the practitioner's office."

9. 21 U.S.C. 827. Change of address reports

21 U.S.C. 827 is amended by the addition of subsection (g), which requires that registrants report any change of professional or business address in such manner as the Attorney General may prescribe. Regulations will be issued to implement this requirement.

10. 21 U.S.C. 843(a)(2). Dispensing drugs pursuant to an expired registration

21 U.S.C. 843(a)(2) is amended to provide that it is unlawful for any person knowingly or intentionally to "use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person." The underlined words are the new additions to this proscription. Among other things, this amendment makes it clear that it is an offense for a registrant who has failed to reapply for registration to continue to dispense drugs.

11. 21 U.S.C. 873. Assistance to state and local governments

The Attorney General, through the Administrator of DEA, is authorized in the new 21 U.S.C. 873(a)(6) to assist state and local governments in suppressing the diversion of controlled substances, including making periodic assessments of state and local capabilities, providing advice to state and local governments, and establishing cooperative investigative efforts. The new 21 U.S.C. 873(d) authorizes the Attorney General to make grants for up to 80 percent of costs for such purposes as conducting investigations and prosecutions of diversion, preventing and detecting forged prescriptions, and providing law enforcement and regulatory training. This section authorizes $6 million per year in FY 1985 and 1986 for these purposes; no funds, however, have yet been appropriated. The Attorney General is required to report annually to Congress on activities conducted pursuant to these provisions.

12. 21 U.S.C. 881(a). Items subject to forfeiture

21 U.S.C. 881(a) is amended to include "[a]ll controlled substances which have been possessed in violation of this title" in the list of items which are subject to forfeiture to the United States.

13. 21 U.S.C. 952(a). Importation for legitimate purposes

21 U.S.C. 952(a)(1) is amended to permit the importation of such amounts of crude opium, poppy straw, concentrate of poppy straw, and coca leaves as the Attorney General finds necessary to provide for medical, scientific, and other legitimate purposes. This amendment regularizes a practice carried out on an emergency basis for the past nine years concerning the importation of poppy straw and its concentrate.

21 U.S.C. 952(a)(2) is also amended to permit the importation of limited quantities of controlled substances if the Attorney General finds that they are to be used exclusively for scientific, analytical, or research purposes. This amendment recognizes the fact that industry and government find it useful

to examine controlled substances manufactured abroad for their quality, or to use them for limited scientific purposes. Importation for medical distribution is not permitted.

14. 21 U.S.C. 952(b)(2). Import permits

21 U.S.C. 952(b)(2) is amended to allow the Attorney General, through the Administrator of DEA, to require import permits for importation of schedule III non-narcotic controlled substances.

15. 21 U.S.C. 953(e) and 957(a)(2). Exporting controlled substances

21 U.S.C. 953(e) is amended to tighten the criteria for export of controlled substances which are non-narcotic schedule III or IV controlled substances or schedule V controlled substances. Under this provision, these controlled substances cannot be exported without documentary proof that importation into the country of destination is not contrary to the laws or regulations of that country "for consumption for medical, scientific, or other legitimate purposes." The statute also allows the Attorney General, through DEA, to require export permits for schedule III non-narcotic controlled substances.

21 U.S.C. 957(a)(2) is amended to require registration of persons exporting schedule V controlled substances.

16. 21 U.S.C. 958(b). Limitation on controlled substances that may be imported or exported

21 U.S.C. 958(b) is amended to indicate that registrants who are authorized to import or export any controlled substances may import or export only the controlled substances specified in the registration. This section now closely resembles 21 U.S.C. 823(c) regarding manufacture and distribution.

17. 21 U.S.C. 958(d). Procedures for denying or suspending an import or export registration

21 U.S.C. 958 is further amended by the addition of a new subsection (d) regarding the procedures by which the Attorney General, through the Administrator of DEA, may deny an application for an import or export registration, or may suspend or revoke an import or export registration. The factors to be considered are similar to those contained in 21 U.S.C. 823, and relate to the public interest and to obligations of the United States under international treaties, conventions, or protocols in effect on October 12, 1984.

Policy Considerations

The Department has concluded that the new drug penalty provisions can be used only for offenses which take place after the enactment of the Comprehensive Crime Control Act (October 12, 1984). In a case involving cultivation on federal property in which the cultivation continued after enactment, the new provisions, of course, are applicable. Similarly, in a conspiracy case in which the conspiracy began before the effective date of the Act, but in which at least one overt act in furtherance of the conspiracy was committed after enactment, the enhanced penalties are applicable. If no overt acts in furtherance of the conspiracy took place after the effective date, only the former, unenhanced penalties should be sought. In cases in which the continuation of the conspiracy after the effective date has been placed in issue, it is suggested that a special verdict be used to determine whether, for sentencing purposes, the heightened penalties may be used. If such a special verdict is utilized, the verdict should be worded in such a way that only the continuation of the conspiracy subsequent to the enactment of the Act is in issue, and that the verdict not raise the question whether any or all of the charged defendants participated in carrying out the conspiracy after that date.

The drug penalty amendments may also raise factual issues relating to the quantity and purity of drugs involved in an offense under 21 U.S.C. 841(a)(1). In such cases, the amount and purity of the drugs should be treated as elements of the offense, in order either to take advantage of the enhanced penalty in 21 U.S.C. 841(b)(1)(A) or to avoid the lesser penalty for "small" quantities of marihuana, hashish, or hashish oil contained in 21 U.S.C. 841(b)(1)(C). If the quantity or purity of the involved controlled substance is disputed at trial to the extent that there might be some reasonable doubt about the sufficiency of the proof on this point, then a lesser-included-offense instruction should be used.

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MAIN FILE
TYPED REPORT

March 22, 1973

To: Honorable [redacted]
Attention: [redacted]

From: American Law Division

Subject: Drug Abuse: History of Federal legislation applicable to the penalties for drug traffickers and drug possession.

Reference is made to your inquiry of January 16, 1973, requesting a history of the Comprehensive Drug Abuse Prevention and Control Act of 1970, especially applying to the area of penalties and making drug pushing and drug possession Federal offenses. In accordance with the telephone conversation it is understood that a history of Federal legislation dealing with the penalties applicable to drug traffickers (pushers) and simple possession of such drugs is desired.

Federal legislation dealing with narcotic drugs dates from, at least, the Act of February 9, 1909 (35 Stat. 614) which prohibited, except for medicinal purposes, the importation of opium or the trafficking therein knowing the same to have been illegally imported. Under that act the unexplained possession of opium or derivative thereof was sufficient evidence for a conviction and penalties for violation included imprisonment for up to 2 years and fine of from $50 to $5,000.

In 1914 several statutes pertaining to narcotic drugs were enacted. The first, Act of January 17, 1914 (38 Stat. 275) strengthened the 1909 act to prohibit completely the importation of smoking opium and to prohibit the exportation of narcotics except to countries having adequate regulatory control over such drugs.

The second enactment, also dated January 17, 1914 (38 Stat. 277), provided for the regulation of the domestic production of smoking opium as an internal-revenue tax requirement. In effect, by establishing prohibitory taxes ($300 per pound), requiring the registration of manufacturers with the Commissioner of Internal Revenue, and the posting of penal bonds of not less than $100,000 this act prohibited the domestic production of smoking opium. This act required the use of revenue tax stamps and provided for the forfeiture and destruction of all untaxed smoking opium found in the United States. Penalties for violations of the requirements of the act included imprisonment for not less than 5 years and fine of not less than $10,000.

The third enactment in 1914, generally known as the Harrison Narcotic Act (Act of December 17, 1914; 38 Stat. 785) is recognized as the basic federal narcotic regulatory enactment prior to the Comprehensive Drug Abuse Prevention and Control Act of 1970. Under the Harrison Narcotic Act all persons authorized to import, manufacture, distribute, or dispense narcotic drugs were required to register with the Commissioner of Internal Revenue and pay an annual tax; duplicate written order forms furnished by the Commissioner were required for all sales or other distribution; prescription or records were required for dispensing of narcotics for medical purposes, and order forms and other records were required to be made available for inspection. Under the Harrison Act possession by a person who had not registered or paid the tax was a violation. Penalties included imprisonment for up to 5 years and fine of up to $2,000.

The Harrison Narcotic Act was strengthened in 1919 by Act of February 24, 1919 (40 Stat. 1130) to require a tax stamp be affixed to securely seal narcotic containers and that all sales or distribution be made in original stamped packages. Possession of narcotics except in or from such an original stamped container was prohibited.

By act of May 26, 1922 (42 Stat. 596) the 1909 act prohibiting the importation of opium was amended to designate that act as the Narcotic Drug Import and Export Act and to increase the permissable maximum penalty for violation from 2 to 10 years imprisonment. In addition, the 1922 amendment provided a penalty of $25 per ounce for narcotics not shown on a manifest found upon a vessel and provided for said penalty to constitute a lien upon the vessel.

In 1937 (Act of August 12, 1937; 50 Stat. 627) the penalties with respect to second and subsequent narcotic violations were increased as follows:

> 1st offense: No charge--imprisonment for up to 5 years and fine of up to $2,000.
>
> 2nd offense: Imprisonment for up to 10 years and fine of up to $5,000.
>
> 3rd and subsequent offenses: Imprisonment for up to 20 years and fine up to $10,000.

And by Act of August 2, 1937, the Marihuana Tax Act of 1937 (50 Stat. 551) imposed occupational and transfer taxes with respect to marihuana similar to the regulatory tax requirements of the Harrison Narcotic Act. Penalties for violation of the Marihuana Tax Act were set at imprisonment for up to 5 years and fine of up to $2,000.

Mandatory minimum penalties under the narcotic and marihuana laws were established in 1951 (Act of November 2, 1951; 65 Stat. 767). Under the 1951 act penalties for violations, including simple possession type violations included the following:

> 1st offense: Imprisonment for not less than 2 or more than 5 years and fine of up to $2,000.
>
> 2nd offense: Imprisonment for not less than 5 or more than 10 years and fine of up to $2,000 without suspension or probation.
>
> 3rd and subsequent offenses: Imprisonment for not less than 10 or more than 20 years and fine of up to $2,000 without suspension or probation.

The Narcotic Control Act of 1956 (70 Stat. 567) amended the Harrison Narcotic Act, the Marihuana Tax Act, and the Narcotic Drugs Import and Export Act to strengthen said enactments and to increase the penalty provisions thereof. The following excerpt from the House committee report (H. Rept. No. 2388, 84th Congress, 2nd Session) provides a brief explanation of the penalties involved:

> Penalty provisions.--The penalty provisions of the Internal Revenue Code of 1954 [Harrison Narcotic Act and Marihuana Tax Act] applicable to narcotic drugs and marihuana would be amended so as to increase the mandatory minimum sentence in the case of the trafficker and increase the permissive maximum sentence in the case of both the possessor and the trafficker. At the present time all first offenders are subject to a minimum mandatory sentence of 2 years and a permissive maximum of 5 years; all second offenders, 5 to 10 years; and all third and subsequent offenders, 10 to 20 years. For the trafficker, the penalties would [illegible] mandatory minimum of 5 years for the [illegible] permissive maximum of 20 years;

> and for second and subsequent offenses the mandatory minimum would be 10 years with a permissive maximum of 40 years. For sale offenses and conspiracies to commit sale offenses by an adult with respect to a juvenile (under age 18) the bill provides a mandatory minimum sentence of 10 years and a maximum permissive sentence of 40 years. The narcotic or marihuana possessor, as distinguished from the trafficker, would continue to be subject to the present minimum mandatory sentences but would be subject to permissive maximum sentences of 10, 20, and 40 years for first, second, third, and subsequent offenses, respectively. There would be a prohibition of the granting of probation, suspension of sentence, or parole with respect to any of the increased penalties applicable to traffickers. These mitigations of sentences would continue to be available in the case of the first offender possessor. The mandatory fine of not to exceed $2,000 for all narcotic drug and marihuana law violations would be made discretionary with the maximum limit increased to $20,000. (2 U.S. Cong. News 1956 p. 3275).

The Narcotic Manufacturing Act of 1960 (74 Stat. 55) established a system of licensing and manufacturing quotas for all manufacturers of newly developed synthetic narcotic drugs as well as the natural narcotics. Penalties for violation of the 1960 act involved a fine of up to $10,000 and imprisonment for up to 5 years.

The Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1438) amended the narcotic laws in general to permit civil commitment, in lieu of criminal prosecution, for narcotic addicts under certain conditions. This act also amended the narcotic and marihuana laws to permit mitigation (parole, suspension, probation) of sentences for certain offenders, such as simple possession but it retained mandatory minimum sentences without suspension, probation or parole for drug traffickers and increased the penalty (up to life or possibly death) and fine of up to $20,000 for certain unauthorized sales to minors.

Thus, prior to the enactment of the Comprehensive Drug Abuse Prevention and Control Act of 1970 there were four principal Federal acts dealing with the control of narcotic drugs and marihuana as follows:

> Narcotic Drugs Import and Export Act, as amended (35 Stat. 614) which prohibited the importation or exportation of narcotics except for medical or scientific pruposes.
>
> The Harrison Narcotic Act, as amended (38 Stat. 785) which set up the machinery for the control of the distribution of narcotics through a system of occupational and commodity taxation.
>
> The Marihuana Tax Act, (50 Stat. 551) which imposed occupational and commodity tax requirements for marihuana similar to those for narcotics.
>
> The Narcotic Manufacturing Act of 1960 (74 Stat. 55) which provided for the development and use of a system of licenses and quotes for basic classes of narcotics including synthetic narcotics as well as natural narcotics.

Under the above enactments penalties, with respect to so-called simple possession type of offenses ranged between 2 to 10 years imprisonment for the first offense to 5 to 10 years for a second conviction or 10 to 40 years for subsequent offenses. Suspension, probation, or parole was not permitted for second or subsequent convictions. Penalties for sales or trafficking offenses under said acts included imprisonment for 5 to 10 years and fine of up to $10,000 for the first conviction and 10 to 40 years with fine of $20,000 for second and subsequent offenses. No probation or suspension was authorized for illegal sales, importation or trafficking therein. In addition, unlawful sales to a minor could involve imprisonment of from 10 to 40 years.

As indicated above, the Comprehensive Drug Abuse Prevention and Control Act was designed to deal with the growing menace of drug abuse in a comprehensive fashion. This act, brought together the prior legislation dealing with narcotic drugs including marihuana. It provided for increased efforts in the rehabilitation, treatment, and prevention of drug abuse; it strengthened the legislation for the control, by the Department of Justice under the interstate commerce power, of the legitimate distribution chain of narcotic drugs and made transactions outside such chain illegal; and it revised the entire structure of criminal penalties. All mandatory minimum sentences, except with respect to a new crime "continuing criminal enterprises", were eliminated. The basic penalties for simple possession were reduced to imprisonment for not more than one year and fine of up to $5,000 (2 years and $10,000 for subsequent offenses) and provision was made for probation and expunging of criminal records for the youthful first offender.

However, under the 1970 act, the maximum permissable penalty with respect to narcotic traffickers was increased to imprisonment for 15 years and a fine of up to $25,000 plus a special parole term of 3 years with such penalties doubled for second and subsequent offenses. In addition, provision was made whereby traffickers could be sentenced, under certain conditions, to imprisonment for up to 25 years as a special drug offender and, a new crime "continuing criminal enterprise" was established. Conviction under the "continuing criminal enterprise" provisions, generally aimed at large scale narcotic trufficking, permits sentencing for such a violation to imprisonment for not less than 10 years (doubled for subsequent offenses) and up to life, fines of up to $100,000 (doubled for subsequent conviction) and forfeiture of the profits or interest in any such enterprise.

In summary, Federal legislation making it a criminal offense to possess or deal in narcotics, except in accordance with prescribed requirements, dates from the early 1900's. Generally, penalties for violations of such laws were increased from time to time over the years. However, little or no distinction was made with respect to the penalties applicable to simple possession and those applicable to drug traffickers until the enactment of the Comprehensive Drug Abuse Prevention and Control Act which reduced the penalty for so-called possession type offense to the level of a misdemeanor but increased the possible maximum penalties for large scale narcotic traffickers to life imprisonment, substantial fines, and forfeiture of the fruits of the enterprise.

We trust that the above brief summary of Federal legislation dealing with the control of narcotics and penalties applicable thereto will be adequate for your needs. If a detailed analysis of any of the many enactments reviewed is desired, please advise.

Albert M Perry
Albert M. Perry
Legislative Attorney

FEDERAL LAWS RELATING TO THE PREVENTION AND CONTROL OF DRUG ABUSE, ENACTED SINCE 1900

Act of February 14, 1902. Making it a punishable offense to give, sell, or otherwise supply opium for non-medical purposes to an aboriginal native of any Pacific island lying between the 20° north and 40° south latitude, and between 120° east and 120° west longitude, provided such island is not in the possession of any civilized power. (32 Stat. 33; reenacted in the recodification of the criminal code made by the act of June 25, 1948--62 Stat. 748)

Act of June 30, 1906 (Pure Food and Drugs Act). For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. (34 Stat. 768)

Act of February 9, 1909 (Opium Exclusion Act). To prohibit the importation and use of opium for other than medicinal purposes. (35 Stat. 614)

Act of August 23, 1912. Amending the Pure Food and Drugs Act to prohibit false and fraudulent curative or therapeutic claims on drug labels. (37 Stat. 416)

Act of January 17, 1914 (Narcotic Drugs Import and Export Act). To amend the Act of February 9, 1909, to prohibit the export and transshipment of opium for other than medicinal purposes. (38 Stat. 275)

Act of January 17, 1914. To regulate the manufacture of smoking opium within the United States. (38 Stat. 277)

Act of December 17, 1914 (Harrison Act). To provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations. (38 Stat. 785-790)

Act of March 13, 1915 (American Pharmacists in China Act). Providing for the licensing of American pharmacists in China and for regulating their sale of narcotic drugs. (38 Stat. 817)

Act of February 24, 1919 (Revenue Act). Among other things, amending the Act of December 17, 1914, with regard to the payment of special taxes by persons dealing in narcotics. (40 Stat. 1130)

Act of May 26, 1922 (Narcotic Drug Import and Export Act of 1922). Amending the Act of February 9, 1909, to extend the prohibition on imports of opium to other narcotics such as coca leaves, cocaine, and opium derivatives; to create the Federal Narcotics Control Board; and for other purposes. (42 Stat. 596-598)

Act of September 21, 1922. Among other things, providing special penalties fines, and forfeiture, for the master of any vessel, bound to the U.S., on which smoking opium is found and not shown in the manifest. (42 Stat. 980)

Public Resolution of March 2, 1923. Requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs. (42 Stat. 1431)

Public Resolution of May 15, 1924. Authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs. (43 Stat. 119)

Act of June 7, 1924. Amending the Narcotic Drugs Import and Export Act to prohibit the import of crude opium for the purpose of manufacturing heroin. (43 Stat. 657)

Act of March 28, 1928. To provide for the advances of funds by special disbursing agents in connection with the enforcement of Acts relating to narcotic drugs. (45 Stat. 374)

Act of May 29, 1928. Among other things, lowering the per annum occupational tax on retailers, and physicians and other practitioners, dealing in or dispensing narcotics. (45 Stat. 867)

Act of January 19, 1929. To establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States. (45 Stat. 1085)

Act of June 14, 1930. To create in the Treasury Department a Bureau of Narcotics (and for other purposes, including the authorization and direction of the Surgeon General to conduct research with respect to the use and misuse of narcotic drugs). (46 Stat. 585)

Act of June 17, 1930 (Tariff Act of 1930). Among other things, providing for a penalty for importation of smoking opium not included in the manifest of the importing vessel. (46 Stat. 748, sec. 584)

Act of July 3, 1930. Authorizing the Commissioner of Narcotics to pay for information concerning violations of the Narcotics laws of the United States. (46 Stat. 850)

Public Resolution of March 4, 1931. Making an appropriation to defray the expenses of participation by the United States in the Conference on the limitation of Narcotic Drugs to be held at Geneva, Switzerland, May 27, 1931. (46 Stat. 1628)

Act of February 18, 1931. To provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics. (46 Stat. 1171)

Act of August 5, 1935. Among other things, amending the Tariff Act of 1930 to extend the penalties against the master of a vessel for importation of smoking opium, not included in the manifest of a vessel, to apply to all narcotics. (49 Stat. 523, sec. 204(a))

Act of June 22, 1936 (Revenue Act of 1936). Among other things, placing an annual tax of $1 upon persons not registered as importers, manufacturers, producers or compounders, but lawfully entitled to obtain narcotics for research use; and requiring such persons to keep records. (49 Stat. 1745, sec. 806)

Act of August 2, 1937 (Marihuana Tax Act). Imposing an occupational excise tax upon all legitimate dealers in marihuana and creating a registration and reporting system with which such persons must comply; imposing a transfer tax upon all transfers of marihuana. (50 Stat. 551)

Act of August 12, 1937. To increase the punishment of second, third, and subsequent offenders against the narcotic laws. (50 Stat. 627)

Act of June 20, 1938. To regulate the manufacture, dispensing, selling and possession of narcotic drugs in the District of Columbia. (522 Stat. 785)

Act of June 25, 1938 (Federal Food, Drug, and Cosmetic Act). To prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes (superseding the Pure Food and Drugs Act of 1906). (52 Stat. 1040)

Act of August 7, 1939. To provide for the advances of funds by special disbursing agents in connection with the enforcement of Acts relating to narcotic drugs. (53 Stat. 1262)

Act of August 9, 1939. To provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport contraband articles--including narcotic drugs; firearms; and counterfeit coins, obligations, or securities. (53 Stat. 1291)

Act of June 28, 1940 (Alien Registration Act of 1940). Among other things, providing for deportation of aliens convicted of violating a narcotics law whether or not they were sentenced and whether or not the law violated was a Federal or State law. (54 Stat. 673)

Act of July 11, 1941. Making it a punishable offense to possess narcotic drugs aboard a vessel engaged on a foreign voyage, if such drugs do not constitute a part of the cargo entered in the manifest or a part of the ship stores. (55 Stat. 584)

Act of December 12, 1942 (Opium Poppy Control Act). To discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products. (56 Stat. 1045)

Act of July 1, 1944 (Public Health Service Act). Consolidating and revising laws relating to the Public Health Service -- including its activities relating to narcotic addiction. (58 Stat. 682)

Public Resolution of July 1, 1944. Requesting the President to urge upon the governments of those countries where the cultivation of the poppy plant exists, the necessity of immediately limiting the production of opium to the amount required for strictly medicinal and scientific purposes. (58 Stat. 674)

Act of July 1, 1944. To amend the Internal Revenue Code, the Narcotic Import and Export Act, as amended, and the Tariff Act of 1930, as amended, to classify a new synthetic drug (isonipecaine, or "Demerol"). (58 Stat. 721)

Act of March 8, 1946. Providing for a method to bring synthetic drugs with narcotic-like qualities under the control of the narcotics laws. (60 Stat. 38)

Act of August 9, 1950. Amending the Act of August 9, 1939, relating to the seizure of vessels carrying contraband articles, to expand the definition of "contraband article" as it relates to narcotic drugs and marihuana. (64 Stat. 427)

Act of September 21, 1950. To amend section 3224(b) of the Internal Revenue Code, relating to the (interstate) transportation of narcotic drugs. (64 Stat. 898)

Act of October 26, 1951 (Durham-Humphrey Amendments). Amending the Federal Food, Drug, and Cosmetic Act to define the kinds of drugs to be dispensed by a pharmacist only upon prescription of a licensed physician. (65 Stat. 648)

Act of November 2, 1951 (Boggs Act). To amend the penalty provisions applicable to persons convicted of violating narcotic and marihuana laws. (65 Stat. 767)

Act of June 27, 1952 (Immigration and Nationality Act). Among other things, providing for the deportation of an alien who is, or at any time after entry has been, a narcotic drug addict, or who at any time has been convicted of violating any narcotics laws (66 Stat. (206).

Act of June 24, 1953. To provide for the treatment of users of narcotics in the District of Columbia. (67 Stat. 77)

Act of August 8, 1953. To extend to the Trust Territory of the Pacific Islands certain provisions of the Internal Revenue Code relating to narcotics. (67 Stat. 500)

Act of August 8, 1953. To amend the Internal Revenue Code and the Narcotic Drugs Import and Export Act so as to provide that certain drugs which are or may be chemically synthesized shall be included within the classification of narcotic drugs. (67 Stat. 505)

Act of May 8, 1954. To authorize the care and treatment at facilities of the Public Health Service of narcotic addicts committed by the U.S. District Court for the District of Columbia, and for other purposes. (68 Stat. 79)

Act of July 15, 1954. To provide for the revocation or denial of merchant marine documents to persons involved in certain narcotic violations. (68 Stat. 484)

Act of August 31, 1954. To amend the Internal Revenue Code to permit the filling of oral prescriptions for certain narcotic drugs. (68 Stat. 1001)

Act of January 20, 1955. Correcting an inadvertent error in the narcotics section of the 1954 revision of the Internal Revenue Code. (69 Stat. 3)

Act of August 11, 1955. To authorize subpenas in connection with the enforcement of the narcotic laws. (69 Stat. 684)

Act of July 18, 1956 (Narcotic Control Act of 1956; Boggs-Daniel Act). To amend the Internal Revenue Code of 1954 and the Narcotic Drugs Import and Export Act to provide for a more effective control of narcotic drugs and marihuana. (70 Stat. 567)

Act of July 24, 1956 (Dangerous Drug Control Act for the District of Columbia). To effect the control of narcotics and dangerous drugs in the District of Columbia. (70 Stat. 609)

Act of April 22, 1960 (Narcotics Manufacturing Act of 1960). To discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs. (74 Stat. 55)

Act of October 10, 1962 (Drug Amendments of 1962). Amending the Federal Food, Drug, and Cosmetic Act to assure the safety, effectiveness, and reliability of drugs, authorize standardization of drug names, and clarify and strengthen existing inspection authority. (76 Stat. 780)

Act of October 31, 1963 (Title II: Community Mental Health Centers [Construction] Act of 1963). Providing for grants to States and communities for construction of public and other non-profit mental health centers. [During consideration of the legislation, it was established that the term "mental illness" as used in the Act includes narcotic addiction and that the centers could be used (but not exclusively) for the treatment and care of addicts.] (77 Stat. 290)

Act of July 15, 1965 (Drug Abuse Control Amendments of 1965). To protect the public health and safety by amending the Federal Food, Drug, and Cosmetic Act to establish special controls for depressant and stimulant drugs and counterfeit drugs, and for other purposes. (79 Stat. 226)

Act of August 4, 1965 (Mental Retardation Facilities and Community Mental Health Centers [Construction] Act Amendments of 1965). Amending the Community Mental Health Centers [Construction] Act of 1963 to provide for matching grants to be used for operational costs of mental health centers as well as construction. (79 Stat. 427)

Act of November 3, 1966 (Demonstration Cities and Metropolitan Development Act of 1966: Title I). Among other things, providing financial and technical assistance to cities of all sizes to enable them to plan, develop, and implement locally prepared city demonstration ("model cities") programs containing new and imaginative proposals to rebuild and revitalise large slums and blighted areas -- which may include drug abuse treatment and rehabilitation services. (80 Stat. 1255)

Act of November 8, 1966 (Economic Opportunity Amendments of 1966). Among other things, containing authorization for funding, under the Economic Opportunity Act of 1964, of community action programs for the prevention of narcotic addicition and the rehabilitation of narcotic addicts. (80 Stat. 1451)

Act of November 8, 1966 (Narcotic Addict Rehabilitation Act of 1966). To amend title 18 of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes. (80 Stat. 1438)

Act of June 24, 1967 (Mental Health Amendments of 1967). Among other things, extending the mental health centers construction and staffing grant programs authorized in 1963 and 1965, through fiscal year 1970. (81 Stat. 79)

Reorganization Plan No. 1 of 1968. Merging the Bureau of Narcotics (Treasury Department) and the Bureau of Drug Abuse Control (Department of Health, Education, and Welfare) into a new agency, the Bureau of Narcotics and Dangerous Drugs, in the Department of Justice. (82 Stat. 1367)

Act of June 19, 1968 (Title I Omnibus Crime Control and Safe Streets Act of 1968: Title I, Law Enforcement Assistance). Authorizing a program of formula grants to States for the purpose of improving and strengthening law enforcement, which may include efforts to treat and rehabilitate narcotic addicts; and also authorizing a program of "discretionary" grants to States and localities for implementation of "special emphasis" law enforcement activities, which may include drug abuse control projects. (82 Stat. 197)

Act of July 7, 1968 (Vocational Rehabilitation Act Amendments). Among other things, authorizing a program of project grants to State vocational rehabilitation agencies and other agencies to develop new programs to recruit and train handicapped individuals for new career opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment -- "handicapped individuals" being interpreted as including drug abusers. (82 Stat. 297)

Act of July 31, 1968 (Juvenile Delinquency Prevention and Control Act of 1968). Providing for grants to assist States and communities in furnishing diagnostic, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent -- wheich services may include drug treatment projects. (82 Stat. 462)

Act of October 15, 1968 (Title III: Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968). Amending the Community Mental Health Centers Act by authorizing funds for grants for the construction and staffing of facilities specifically concerned with the prevention and treatment of alcoholism or of narcotic addiction. Also containing authorization for the development of activities for the training of personnel working in the field of alcoholic and narcotic addict rehabilitation. (82 Stat. 1006)

Act of October 24, 1968. To amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide (LSD) and other depressant and stimulant drugs, and for other purposes. (82 Stat. 1361)

Act of December 30, 1969 (Economic Opportunity Amendments of 1969). Among other things, making an OEO special emphasis program of funding community action projects for treatment and rehabilitation of narcotic addicts and authorizing such projects to extend treatment to abusers of non-narcotic drugs as well. (83 Stat. 827)

Act of March 13, 1970 (Community Mental Health Centers Amendments of 1970. Amending the Community Mental Health Centers Act of 1963 to provide, among other things, an extension of authority -- for an additional three years -- and increased funding for the alcoholic and narcotic addict treatment and rehabilitation programs established by the 1968 amendments to the Act. Changing the duration of narcotic center operation grants from four years and three months to eight years. Extending the program of grants for training and evaluation for an additional three years and providing new grant authority for the initiation and development of programs of services for narcotic addicts.

Act of June 30, 1970 (Title V: Marihuana and Health Reporting Act). Requiring the Secretary of Health, Education, and Welfare to make an annual report to the Congress on the health consequences of marihuana use. (84 Stat. 352)

Act of October 27, 1970 (Comprehensive Drug Abuse Prevention and Control Act of 1970). To amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. (84 Stat. 1236)

Act of December 3, 1970 (Drug Abuse Education Act of 1970). To authorize the Secretary of Health, Education and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes. (84 Stat. 1385)

Act of May 14, 1971. To amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse. (85 Stat. 37; P.L. 92-13).

Act of January 2, 1971 (Omnibus Crime Control Act of 1970). To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. (84 Stat. 1880; P.L. 91-644)

Act of June 30, 1971. Extending the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for an additional year, and establishing an Interdepartmental Council on Juvenile Delinquency to coordinate all Federal delinquency programs. (85 Stat. 84; P..L. 92-31)

Act of August 10, 1971 (Department of Agriculture, Environmental and Consumer Protection Appropriations Act of 1972). Among other things, prohibiting payment of Federal subsidies to farmers who knowingly allow wild marihuana growing on their land to be harvested. (85 Stat. 183; P.L. 92-73)

Act of September 28, 1971 (Selective Service Act Amendments). Among other things, requiring the Armed Forces to identify drug dependent servicemen and to provide treatment for them. (85 Stat. 348; P.L. 92-129)

Act of November 18, 1971 (Comprehensive Health Manpower Training Act of 1971). Extending and expanding the Health Professions Education Assistance program (title VII, Public Health Service Act), providing -- among other things -- that the special project funding authority, under which grants and contracts are awarded to medical and other appropriate schools or institutions for the establishment of special training programs for health personnel, will now extend to such programs in the fields of drug use and abuse. (85 Stat. 431; P.L.92-157)

Act of February 7, 1972 (Foreign Assistance Act of 1971). Among other things, calling for the suspension of foreign assistance to countries not cooperating in attempts to curb the illegal drug traffic to the U.S. or to U.S. Armed Forces abroad, and providing for international drug control assistance. (86 Stat. 24; P.L. 92-226)

Acts (3) of March 10, 1972. Instructing the U.S. Executive Director for the Asian Development Bank/Inter-American Development Bank/International Development Association to vote against any loan to a country which has failed to take adequate steps to prevent the illicit international traffic in drugs. (86 Stat. 57 et seq; P.L. 92-245, 246, and 247)

Act of March 21, 1972 (Drug Abuse Office and Treatment Act of 1972). To establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse. (86 Stat. 65)

Act of May 11, 1972. To amend title 18 of the U.S. Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. (86 Stat. 136; P.L. 92-293)

Act of August 14, 1972 (Juvenile Delinquency Prevention Act). Amending the Juvenile Delinquency Prevention and Control Act of 1968 to restructure the program established thereby and extending its duration for an additional two years. (86 Stat. 532; P.L. 92-381)

Act of September 16, 1972 (Narcotic Addict Rehabilitation Amendments of 1972). To amend the Narcotic Addict Rehabilitation Act of 1966, in order to increase treatment options available through judicial disposition of addicts. (86 Stat. 677; P.L. 92-420)

Act of September 19, 1972. Amending the Economic Opportunity Act, among other things authorizing special programs aimed at promoting employment of rehabilitated addicts or addicts participating in certain treatment programs, with special priority given to veterans. (86 Stat. 688; P.L. 92-424)

PRINCIPAL TREATIES

Convention relating to the suppression of the abuse of opium and other drugs, 1912. (38 Stat. 1912)

Convention for limiting the manufacture and regulating the distribution of narcotic drugs, 1931. (48 Stat. 1543)

Protocol of 1946, amending previous agreements, conventions, and protocols on narcotic drugs. (61 Stat. 2230; 62 Stat. 1796)

Protocol (of 1948) bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the protocol signed on December 11, 1946. (Entered into force for the United States September 11, 1950; 2 UST 1629)

Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, 1953. (Entered into force for the United States March 8, 1963; 14 UST 10)

Single convention on narcotic drugs, 1961. (Entered into force for the United States June 24, 1967; TIAS 6298)

Harry L. Hogan
Education and Public Welfare Division
October 6, 1972

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WASHINGTON, D.C. 20540

CRS MAIN FILE TYPED REPORT
NOT CITED

June 21, 1979

TO: Hon. [redacted]
Attn: [redacted]

FROM: American Law Division

SUBJECT: Penalties under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

You have requested a synopsis of the maximum criminal penalties which can be imposed under the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, 84 Stat. 1242, October 27, 1970, codified at 21 U.S.C. §§ 811 - 966 (1976).

The Act was modeled after the Uniform Controlled Substances Act, which was first proposed in 1970 and has also been adopted by a majority of states, after modification by each jurisdiction. The provisions of the Act are many and complex; many of the penalty provisions relate to unlawful acts and offenses in seperate and numerous sections. For ease of understanding, we have combined the section in which the penalties appear with a generic description of the offense or catchline, where appropriate, and indicated the maximum imposable sentence. The penalties include:

21 U.S.C. § 841 Manufacture, distribute or possess with intent to distribute:

Schedule I or II Narcotics: $25,000/15 years plus 6 years special parole;

Schedule I or II Non-Narcotics or Schedule III:
$15,000/5 years plus 4 years special parole;

Schedule IV: $10,000/3 years plus 2 years special parole;

Schedule V: $5,000/1 year;

Second or subsequent drug offense: penalties doubled.

21 U.S.C. § 842 Registered Manufacturer, regulations, knowing violation: $25,000/1 year;

Second or subsequent drug offense: penalties doubled.

21 U.S.C. § 843 Simple Possession: $5,000/1 year;

Second or subsequent drug offense: penalties doubled;

Diversion of first offenders provided prior to judgment.

21 U.S.C. § 845 Distribution to Persons under Age 21:

Penalties under § 841 doubled;

Second or subsequent offense under this section: penalties under § 841 tripled.

21 U.S.C. § 848 Continuing Criminal Enterprise, organizing or managing, five or more persons, for profit or livelihood: $100,000/life imprisonment;

Suspension of sentence and probation precluded.

21 U.S.C. § 849 Dangerous Special Drug Offenders, two or more prior convictions for distribution, with three or more persons, pattern of dealing in controlled substances: life imprisonment.

21 U.S.C. § 960 Import and Export of Controlled Substances:

Schedule I or II Narcotics: $25,000/15 years plus 3 years special parole;

Other controlled substances in Schedules I through III: $15,000/5 years plus 2 years special parole;

Other controlled substances in Schedule IV: $15,000/5 years plus one year special parole.

21 U.S.C. § 961 Transshipment of controlled substances, knowing or intentional violation: $25,000/1 year.

21 U.S.C. § 962 Second or Subsequent Offense under Import and Export Offenses: Penalties Doubled.

As you will note, the Act is not consistent in the manner in which penalties are increased; nonetheless, all second or subsequent drug convictions double the maximum penalty which could have been imposed on the first violation. We hope that this synopsis will be of use. If we can be of further service on specific questions, please feel free to call.

Leland E. Beck
Legislative Attorney

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CONTROL OF ILLICIT DRUG TRAFFIC: SELECTED PROVISIONS OF THE "COMPREHENSIVE CRIME CONTROL ACT OF 1984"

Summary and Brief Policy Analyses of Pertinent Sections of S. 829/H.R. 2151 and S. 1762; 98th Congress

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March 16, 1984

CONTROL OF ILLICIT DRUG TRAFFIC: SELECTED PROVISIONS OF THE "COMPREHENSIVE CRIME CONTROL ACT OF 1984"

Summary and Brief Policy Analyses of Pertinent Sections
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INTRODUCTION

On February 2, 1984, the Senate passed S. 1762, the "Comprehensive Crime Control Act." Reported as a clean bill on August 4, 1983, by the Senate Committee on the Judiciary, S. 1762 is based on a proposal introduced as S. 839 and H.R. 2151 on March 16, 1983, in both chambers, on behalf of the Administration. S. 839 was introduced by Senator Thurmond, Chairman of the Senate Judiciary Committee, and Senator Laxalt, the Chairman of the Subcommittee on Criminal Law; the House bill, H.R. 2151, by Representative Fish. The bills were referred to the Senate and House Committees on the Judiciary, respectively.

The original measure contains 16 titles and addresses a broad range of issues relating to the problems of crime control and criminal procedure. This report, however, is limited to summaries and analyses of those titles or parts judged to be the most significant in terms of controlling illicit traffic in narcotics and other dangerous drugs, or that make some specific reference to such drugs. Nevertheless, almost all provisions of the bill could be construed as potentially having an impact on this problem.

As reported and passed by the Senate, S. 1762 does not contain several significant titles included in the original bill. Omitted, for the purpose of achieving a greater consensus in the Judiciary Committee and in the Senate, were provisions dealing with the Exclusionary Rule, capital punishment, and habeas corpus. Also omitted was the title on tort claims, and during Senate debate the extradition section was deleted by unanimous consent. Moreover, the bill contains a number of provisions not included in S. 839/H.R. 2151. Thus, the number and order of titles in the two proposals do not necessarily correspond.

Separate bills dealing with the more controversial matters were passed in the wake of final action on the omnibus bill (Exclusionary Rule: S. 1764, passed Feb. 7, 1984; Habeas Corpus: S. 1763, passed Feb. 6, 1984). In addition, the Senate also passed separate bills identical to the sentencing, forfeiture, and bail reform titles of the omnibus bill as passed (sentencing: S. 668; forfeiture: S. 948; and bail reform: S. 215). All of these measures were passed during the period extending from February 2 through 7, 1984. A related proposal, the "National Narcotics Act" (S. 1787)--the so-called "drug czar" bill--was also passed on February 7.

BACKGROUND

In introducing S. 829, Senator Thurmond described it as a "comprehensive package . . . . designed to help the Federal Government meet its responsibility to provide for the domestic security of this Nation." 1/ He stressed the fact that many of the issues addressed by the proposal have been considered by Congress in the recent past, observing that significant parts of the measure "have evolved in context of our decade-long effort to enact a modern Federal Criminal Code." 2/

1/ Congressional Record, Daily Edition, March 16, 1983. p. S3077.

2/ Ibid.

As Senator Thurmond noted in his introductory statement, S. 829 and H.R. 2151 contain, "with no major change," most of the provisions of the Violent Crime and Drug Enforcement Improvements Act of 1982. 3/ However, the new proposal addressed a number of additional issues--including: Exclusionary Rule reform; modification of the Federal insanity defense; the availability of collateral relief in the Federal courts for State (and Federal) prisoners, especially in the case of habeas corpus proceedings; changes in international extradition procedures; and reinstitution of the death penalty for certain Federal crimes.

In view of the relationship of the new bill to the measure that passed the Senate in September 1982, certain aspects of the history of the earlier bill should be noted.

S. 2572 of the 97th Congress was generally viewed as a substitute for a previously reported bill to reform the Federal criminal code, 4/ drawn up when it became apparent that the far-reaching code reform bill had little chance of passage. The formulators of S. 2572--and of its companion bill in the House, H.R. 6497--sought to address issues of key significance for crime control but to avoid such controversial matters as the death penalty, the Exclusionary Rule, and gun control. By the terms of a unanimous consent agreement, no amendments relating to those subjects were allowed when the bill was taken up by the Senate. 5/

3/ S. 2572, 97th Congress, which passed the Senate on September 30, 1982, by a vote of 95 to 1. The companion bill in the House was H.R. 6497.

4/ S. 1630, 97th Congress.

5/ The agreement also provided for the deletion of a title to reform the insanity defense.

Despite efforts to develop a "consensus bill," several provisions of S. 2572/H.R. 6497 were in fact controversial. The same is true of the 98th Congress legislation. The American Civil Liberties Union (ACLU) opposes three sections of the bill as either unconstitutional or "unwise": Title I, "Bail Reform"; a number of aspects of Title V, "Sentencing Reform"; and part K of Title IX, relating to solicitation to commit a crime of violence. The ACLU's objections to the bail reform and sentencing provisions, as outlined in a letter sent to all Members of the Senate, 6/ are noted in the appropriate sections of the following analysis insofar as they are pertinent to comparable provisions of the new bill. Similar and other objections raised by the American Bar Association are also noted.

SUMMARY AND ANALYSES

The following discussion summarizes the provisions of S. 829, H.R. 2151, and S. 1762 that are significant in terms of dangerous drug control, and selected policy issues surrounding those provisions are analyzed. A number of legal issues are also associated with the proposals and some are pointed out; however, for analysis of such questions, the congressional reader should contact the CRS American Law Division.

Title I. Bail Reform

Title I would make a number of changes in the Bail Reform Act of 1966. Among other things, it would--

* permit potential danger to the community to be considered by the courts in determining whether to release a defendant pending trial, or, if release is appropriate, in determining the conditions of release;

6/ July 16, 1982.

- establish a procedure for revocation of release, and contempt-of-court prosecution, for committing a crime while released on bond;
- tighten the criteria for post-conviction release pending sentencing and appeal;
- provide for consecutive sentences for persons convicted of crimes committed during pretrial release; and
- increase penalties for jumping bail.

The title specifies a presumption that an individual is potentially a danger to the community if the offense with which he is charged is one for which a maximum term of imprisonment of ten years or more is prescribed under the Controlled Substances Act (21 U.S.C. 801 _et seq._), the Controlled Substances Import and Export Act (21 U.S.C. 951 _et seq._), or section 1 of the Act of September 15, 1980. _7/_

Under what circumstances an arrested person should be confined prior to trial has long been a matter of debate. The guiding concept behind the Federal Bail Reform Act of 1966 is that defendants should be released on their own recognizance, i.e., without posting security, if the court determines they are reliable enough to appear for trial. The Act was intended to do away with the inequities of the old money bail system, which was held to discriminate against poor defendants. However, because it permits potential danger to the community to be considered a reason for denial of release only after conviction or when the defendant is charged with a crime punishable by death, many observers believe the Act does not afford the public satisfactory protection from habitual criminals. They argue that some provision should be made for the pre-trial detention of such offenders.

_7/_ P.L. 96-530 (21 U.S.C. 955a), which makes it unlawful for any person anywhere to possess a controlled substance intending or knowing that it will be unlawfully imported into the U.S.

A "preventive detention" law applying to the District of Columbia was enacted by Congress in 1970. It authorizes the denial of pre-trial release to certain defendants who can be shown in a special hearing to pose a danger to the community if released. This statute is criticized on the grounds that it infringes on the due process rights of an accused, who, through being denied release, undergoes punishment though having been neither convicted nor tried. On the other hand it has also been criticized by those who believe that the special hearing procedures are overly complex, with the consequence that only in rare instances is the detention authority invoked.

Particularly in the case of drug traffickers, according to some arguments, a more selective use of pre-trial and post-trial release is essential. Figures compiled in 1981 by the House Select Committee on Narcotics Abuse and Control showed that in 10 demonstration districts of the pre-trial service agencies of the U.S. courts, during the previous 5 years, 53 percent of the bail violators still at large had originally been charged with narcotics violations. 8/ According to supporters of preventive detention, not only do narcotics offenders tend to violate the terms of release by continued trafficking, a large number flee the jurisdiction of the court and are never brought to trial. The Drug Enforcement Administration reports that as of August 31, 1982, some 2,900 fugitives were being sought for prosecution on drug-related matters after jumping bail or being indicted. Moreover, the House Select Committee on Narcotics has found that 62 percent of the Federal defendants who failed to appear in court in the southern district of Florida from 1976 to 1981 were charged with drug offenses. 9/

8/ U.S. Congress. House. House Select Committee on Narcotics Abuse and Control. Bail Reform and Narcotics Cases. Hearings, 97th Cong., 1st Sess., July 22, 1981. Washington, U.S. Govt. Print. Off., 1981. p. 1.

9/ Ibid.

The American Civil Liberties Union, on the other hand, observes that "numerous studies show that a small percentage of the defendants on bail are arrested and convicted of crimes committed during their release." 10/ As an example it cites a study sponsored by the Justice Department, conducted by the Lazar Institute, which--according to the ACLU--found that only 1.9 percent of all defendants released before trial are convicted of and imprisoned for serious crimes committed while on release. 11/ Moreover, the ACLU argues that "it is not possible accurately to predict who among a given group of criminal defendants would, if released before trial, commit serious crimes." The organization's letter presents the following case for emphasizing alternatives to preventive detention:

> Effective alternatives are available for curtailing crimes committed by defendants on pretrial release. For example, providing various services and supervision to persons awaiting trial has proven to be an effective alternative to preventive detention. The General Accounting Office recently conducted a study of the pilot federal pre-trial service agencies program. The results of this program have been dramatic. The new arrest rate for all defendants on release has decreased to 3.9 percent. The failure-to-appear rate has decreased to 1.3 percent. The GAO concluded:
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> > In our opinion, these statistics indicate that pre-trial service agencies are having positive effects on the bail process. By interviewing defendants and verifying information about them, making bail recommendations to judicial officers, supervising defendants released to their custody, and helping selected defendants obtain needed social services, pre-trial service agencies are assisting the courts in making better bail decisions and are contributing to the downward trends in failure to appear and new crime rates among defendants on bail.

10/ Letter (to all members of the Senate) dated July 16, 1982.

11/ How the ACLU derived this rate is unclear, but it apparently hinges on the definition of the term "serious crimes." The Lazar study found that 16 percent--or approximately one-sixth--of all released defendants was rearrested during the release period and that about 50 percent of these--or 8 percent of the total--were convicted as the result of the pretrial arrest. See Toberg, Mary A. Pretrial Release: a National Evaluation of Practices and Outcomes. Washington, National Institute of Justice, 1981. This study was conducted by the Lazar Institute under a grant from the National Institute of Justice.

> Legislation to extend this program nationwide (S. 923) has passed both houses of Congress and is now awaiting the appointment of conferees by the Senate.
>
> Speedy trials are also an effective and constitutional alternative to preventive detention. Available evidence suggests that the least likely times of rearrest are shortly after arrest and just prior to trial. Thus, full and vigorous implementation of the speedy trial rules is likely to be increasingly effective in reducing pre-trial crime. 12/

Essentially, the debate is between those who advocate the greater use of pre-trial detention to protect the public from dangerous offenders and those who argue that such a procedure violates principles of due process.

Title II. Sentencing Reform

Title II is in many respects similar to the sentencing provisions of several recent proposals for the reform of the Federal Criminal Code (e.g., S. 1630, 97th Congress; S. Rept. No. 97-307). It would make major revisions in the process through which a Federal judge decides on sentences and through which sentences are reviewed. To assure greater parity in sentences, a commission would be established and charged with the task of developing sentence guidelines for use by the Federal judiciary. For each offense, the guidelines would specify a number of appropriate sentencing ranges--encompassing terms of imprisonment, fines, and probation--the use of which is meant to depend upon the history and characteristics of the defendant and the particular circumstances under which the offense had been committed. Judicial departure from the guidelines would be permitted, but the presiding judge would be required to provide specific reasons for doing so.

This title is the culmination of a reform effort commenced in 1966 with the establishment of the National Commission for the Reform of the Federal Criminal Code. The provisions are a further refinement of the sentencing section of the

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12/ Ibid.

criminal code reform bill that was passed by the Senate in the 95th Congress. 13/ The current version was endorsed by the Attorney General's Task Force on Violent Crime 14/ and was included in the omnibus crime control bill that passed the Senate September 30, 1982 (S. 2572, 97th Congress).

Although the title would not alter existing statutory imprisonment penalties, the proposed maximums for fines, probation, and supervised release would supersede those prescribed by current law. Proposed imprisonment maximums for various levels of offense form a scheme intended to be useful for future congressional classification of criminal offenses.

As of September 30, 1982, controlled substance matters constituted almost 24 percent of criminal cases pending in the Offices of the U.S. Attorneys. 15/

An analysis of the title that was placed in the Congressional Record at the time S. 829 was introduced contains the following characterization of the sentencing process under current law and practice:

> Sentencing today is left to the discretion of federal judges who are trained in the law but who have no special competence in ascertaining the values of society and applying them to sentencing in individual criminal cases. In employing their discretion, the judges are left to their own devices and philosophies. Congress has provided no general statutory guidance as to the purposes to be achieved by the sentencing process, has set forth no sentencing philosophy (other than occasional hints at rehabilitation), and has given no direction concerning factors to be considered in determining an appropriate sentence. The only real legislative guidance is that provided by the maximum sentences specified in the penal statutes--and these only indicate the Congressional view of the appropriate sentence for the most serious offense under the provision. In imposing sentences, judges are not required to state any rationale, and few do. 16/

13/ S. 1437, passed January 30, 1978.

14/ U.S. Attorney General's Task Force on Violent Crime. Final Report. Washington, 1981. p. 56-57.

15/ U.S. Department of Justice. Executive Office for United States Attorneys. Statistical Report . . . Fiscal Year 1982. Washington, U.S. Govt. Print. Off., 1983. Chart 6.

16/ Congressional Record, Daily Edition, March 16, 1983. p. S3130.

Critics of the indeterminate sentencing system point to vast disparities in sentences imposed and to the general uncertainty of punishment, and many question the validity of the premise that most offenders can be rehabilitated. They further challenge the notion that parole boards are able to predict the future behavior of paroled offenders.

The American Civil Liberties Union (ACLU), while acknowledging that Title II contains "several valuable reforms," maintains that the reforms "do not balance the significant flaws." 17/ The ACLU makes three criticisms:

> (1) The government is given extraordinary new authority to appeal sentences imposed by trial courts.
>
> (2) The title is substantially tilted towards increasing the use of imprisonment, and there is a substantial risk that prison terms longer than under current law will be widely imposed under the bill. 18/
>
> (3) The system for guiding judicial discretion is riddled with inconsistencies, and unwarranted disparity in sentencing will therefore be likely to continue. 19/

17/ Letter sent by the ACLU to members of the Senate, July 16, 1982.

18/ The ACLU goes on to say: "Little, if any, incentive is given to judges or the proposed sentencing commission to devise alternative sentences to imprisonment for nondangerous offenders. By abolishing parole and limiting good time, the bill closes the safety valves of the system and risks even longer periods of incarceration than under current law. Under current law, most offenders receive a presumptive release date of one-third of the sentence of imprisonment. If parole release is abolished without cutting statutory maximums, the time spent in prison could increase indiscriminately by as much as two-thirds. The federal prison population could easily double in a short time. The fact that the sentencing commission will consider current actual time served in setting the guidelines does little to mitigate the risk of substantial increase in prison sentence lengths. For this reason, an administrative early-release mechanism should remain in place during a transitional period after the guidelines are implemented." Ibid.

19/ The ACLU letter also said, "For example, under Section 3553, an offender could be sentenced for the purpose of deterrence while another offender who committed the same crime in similar circumstances could receive a different sentence for the purpose of incapacitation." Ibid.

TITLE III. Limitation of the Exclusionary Rule (omitted from Senate-passed bill; see S. 1764)

Title III would create an exception to the application of the "exclusionary rule" in Federal criminal proceedings, to prevent suppression of evidence in trials where it can be shown that law enforcement officials were proceeding on a "reasonable, good faith belief" that they were acting in compliance with the law when obtaining that evidence.

The Exclusionary Rule dates at least from 1914, when the Supreme Court held in Weeks v. United States (232 U.S. 383) that evidence obtained in violation of the Fourth Amendment is inadmissible in Federal criminal prosecutions. The Fourth Amendment holds that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Although in 1949 the Court decided against an extension of the Rule to State criminal prosecutions, 20/ that decision was reversed, in 1961, in Mapp v. Ohio (367 U.S. 643).

At the base of the Exclusionary Rule issue lies the question of the Rule's constitutional status: is it or is it not inherent in the Fourth Amendment? Generally, the Rule's critics hold that it is not constitutionally mandated but

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20/ Wolf v. Colorado, 338 U.S. 25 (1949).

is a judicial choice of remedies cast in the form of a rule of evidence. Although many prefer that it be abolished altogether, the approach taken by this bill is to establish a limitation based on a particular interpretation of the Rule's purpose. 21/

The Justice Department and other critics of the courts' application of the Exclusionary Rule contend that (1) the paramount justification for the Rule is that it is needed in order to deter unlawful police conduct, and (2) the courts have extended its application to situations where it fails in any way to serve this purpose. Thus, it is argued, if it is provided that there will be no exclusion of evidence obtained as the result of a search undertaken in good faith, the deterrent value of the Rule will remain unaffected, since "actions undertaken in reasonable good faith are not susceptible of being deterred." 22/

The Department further defends the proposed change as being in substance similar to an interpretation adopted by the Fifth Circuit en banc in

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21/ The position of the Senate Judiciary Committee is that the Supreme Court "should totally reexamine any use of the exclusionary rule in Federal criminal cases if the Congress enacts legislation to provide an effective remedy against the government for unlawful police conduct" (Senate Report 98-350, accompanying S. 1764, 98th Congress; footnote 26 on page 5). The Federal Torts Claims Act amendments proposed by Title XIII of S. 839/H.R. 2151 (see p. 32-33 of this report) are viewed as one form such legislation could take.

The arguments and related points noted in this paper are concerned principally with the extent of the Rule's impact on the outcome of criminal cases and with the merits of the "good faith" exception proposed by the legislation. For constitutional or legal analysis of the issues surrounding the Exclusionary Rule, congressional readers may contact the American Law Division of CRS.

22/ Section-by-section analysis of S. 829, inserted in the Congressional Record (Daily Edition), March 16, 1983, p. S3142. For a detailed statement of the case for limitation, along with additional and opposing views, see the Senate report on S. 1764 (Rept. 98-350), "Exclusionary Rule Limitation Act of 1983."

United States v. Williams [23]; and as being in accordance with a recommendation of the Attorney General's Task Force on Violent Crime. [24]

A recently completed study on the impact of the Exclusionary Rule in California, funded by the National Institute of Justice, shows that a significant number of felony cases declined for prosecution during the period covered were rejected because of search and seizure problems. In an analysis of data on the processing of all adult felony arrests in the State from 1976 through 1979, the researchers concluded that "the greatest impact of the exclusionary rule is on drug cases, where its effect on case attrition is substantial." [25]

Opponents of the bill's Exclusionary Rule provision criticize it on the grounds that (1) it would abrogate the protections of the Fourth Amendment for defendants in Federal cases and would thus be unconstitutional, and (2) available statistics show that the Rule has had little impact on case dispositions in the nation's courts.

Testifying before the Senate Judiciary Committee, three officials of the American Bar Association (ABA) presented the case for the opposition. In answer to the argument that the proposed provision would not undermine the deterrent value of the Rule, the ABA recalls the reasoning of former Justice Potter Stewart, in Beck v. Ohio [(379 U.S. 89 (1964)]:

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[23] 622 F.2d 830 (1980), cert. denied, 449 U.S. 1127 (1981).

[24] Final Report, August 1981 (Recommendation no. 40).

[25] U.S. National Institute of Justice. The Effects of the Exclusionary Rule: a Study in California. Washington, 1982. Specifically, the researchers found that 71.5 percent of all felony cases rejected for prosecution during the three year period studied involved drug charges.

> We may assume that the officers acted in good faith in arresting the petitioner. But "good faith on the part of the arresting officer is not enough." Henry v. United States, 361 U.S. 98, 102 . . . if subjective good faith alone was the test, the protections of the Fourth Amendment would evaporate, and the people would be "secure in their persons, houses, papers, and effects," only in the discretion of the police. [emphasis added].

The ABA predicts that if the provision were to be enacted, the effect on evidentiary hearings in the U.S. District Courts would be "devastating":

> Federal law enforcement officers would undoubtedly be permitted to testify not only as to their state of mind regarding "good faith" but probably to give opinion testimony as well. With the burden of proof on the prosecution at the lowest rung of the evidentiary ladder--mere preponderance of the evidence to establish that the search or seizure was undertaken in a reasonable good faith belief that it was in conformity with the Fourth Amendment--the Sixth Amendment adversary fact-finding process in Federal courts would become a farce and mockery of justice. 26/

The ABA further maintains that interpretation by the courts of a new "good faith" exception would result in years of litigation. Moreover, it contends, the exception would promote carelessness on the part of Federal law enforcement officials if not a calculated ignorance of the law. 27/

In support of the argument that the Exclusionary Rule has had little impact on case dispositions, opponents of the proposal refer to several studies. One, conducted by the General Accounting Office and involving the evaluation of some 2,804 Federal criminal prosecutions, found that only in 1.3 percent of the total was evidence excluded as a result of filing a Fourth Amendment motion and that

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26/ Statement of William W. Greenhalgh, B. James George, Jr., and Timothy B. Atkeson, on behalf of the American Bar Association, concerning . . . S. 829, before the Subcommittee on Criminal Law, Committee on the Judiciary, U.S. Senate, May 19, 1983, p. 26.

27/ Ibid.

only 4/10 of 1 percent of the declined defendants' cases were turned down due to Fourth Amendment search and seizure problems. 28/

A second study often cited by opponents of modification is one conducted by the Institute for Law and Social Research (INSLAW) and reported in 1978, that also found a low incidence of dismissals for due process violation. According to the results of the study, in less than one percent of the arrests evaluated was prosecution declined because the police failed to protect the defendant's constitutional rights, and it became a problem at the prosecutorial level in only two percent of the cases. 29/

Title IV. Forfeiture Reform (Title III in S. 1762)

Title IV would amend both the Racketeer Influenced and Corrupt Organizations statute (RICO) 30/ and the Controlled Substances Act (CSA). Generally, it would provide for criminal forfeiture of the proceeds of racketeering activity, impose the sanction of criminal forfeiture for all felony drug offenses, raise the ceiling on the value of property subject to administrative forfeiture, and in other ways facilitate forfeitures in drug-related and racketeering cases.

Federal law currently provides for two types of forfeiture. One type, civil forfeiture, is an *in rem* action brought against contraband property or property unlawfully held or used. This is the type of forfeiture authorized under

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28/ U.S. General Accounting Office. Impact of the Exclusionary Rule on Federal Criminal Prosecutions. Report No. GGD 79-45, April 19, 1979. Washington, 1979. p. 11, 14.

29/ Institute for Law and Social Research. What Happens After Arrest? Washington, 1978.

30/ Specifically, 18 U.S.C. 1963.

Section 511 of the Controlled Substances Act 31/, which must presently be used in the majority of drug-related cases. Criminal forfeiture, on the other hand, as exemplified by provisions of RICO and of the Continuing Criminal Enterprise statute (CCE) 32/, a section of the CSA that sets forth special penalties for a convicted trafficker whose violation was connected with the activities of a drug trafficking organization, constitutes an *in personam* action that is brought against a criminal case defendant upon his conviction.

An important limitation on civil forfeiture actions is that they must be brought in the judicial district in which the property is located. Thus, even if the facts at issue in a criminal trial could also settle related forfeiture issues, the government must nevertheless frequently file a separate civil suit; moreover, it must file a different one for each judicial district in which the assets in question are located. 33/

With a growing recognition of the magnitude of the profits generated by illicit drug traffic, and of the adverse impact these profits have had on the nation's social fabric, the importance of attacking traffickers "through the pocketbook" has become generally acknowledged. The RICO and CCE statutes were early instances of attempts to provide the means for such an effort through new, more specific legislation.

Title IV of S. 829/H.R. 2151 and Title III of S. 1762 are substantially similar to the criminal forfeiture title of S. 2572, 97th Congress, which

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31/ 21 U.S.C. 881.

32/ 21 U.S.C. 848.

33/ Note the provision, in the bill as passed by the Senate, for a consolidated civil forfeiture action, a floor amendment introduced by Senator D'Amato (see p. 18).

in turn was based principally on S. 2320, also of the 97th Congress, an Administration bill reported by the Senate Judiciary Committee on August 10, 1982. 34/ Specifically, it would amend the RICO statute to--

. make clear that the statute permits the forfeiture of proceeds generated through a prohibited racketeering activity as well as through the enterprise itself, or an interest in the enterprise

. generally describe the types of property subject to an order of criminal forfeiture

. make clear that the transfer of forfeitable property to a third party is no bar to forfeiture

. permit the forfeiture of substitute assets of the defendant where the originally forfeitable property cannot be traced or located, has been transferred, removed, or concealed, has been substantially diminished in value by the defendant, or has been commingled with other property that cannot be divided

. permit the court to enter appropriate restraining orders in the pre-indictment as well as post-indictment phase of a criminal case, to prevent the defeat of a forfeiture order by concealment, transfer or removal of forfeitable property

. specify additional procedures to protect the rights of innocent persons in forfeiture cases.

Principal changes the bill would make in the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) are--

. creation of a new, generally applicable criminal forfeiture statute, closely paralleling the RICO forfeiture provisions, for use in felony cases brought under the two acts (presently, property involved in most violations of the CSA and the CSIEA is subject only to civil forfeiture proceedings)

. provision for the possibility of forfeiture of substitute assets, as under the proposed RICO amendments

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34/ U.S. Congress. Senate. Committee on the Judiciary. Comprehensive Criminal Forfeiture Act of 1982. S. Rept. No. 97-520, 97th Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1982. (See also the Committee's report on S. 948, 98th Congress, the "Comprehensive Forfeiture Act of 1983", S. Rept. 98-224).

- provision for a rebuttable and permissive inference that property which is acquired by the defendant during or within a reasonably related time after the commission of the offense is property subject to forfeiture
- authorization for government officials to obtain a warrant of seizure, based on a showing of probable cause, where it appears that a restraining order would not be sufficient to preserve the availability of the property pending the conclusion of the criminal case
- amendment of the civil forfeiture provisions of the statutes to add to the list of property subject to such forfeiture real property that is used in a felony drug offense (e.g., a warehouse in which illicit drugs had been stored)
- provision for the possibility of a stay of civil forfeiture proceedings when a criminal action involving the forfeiture of the same property had been filed.

The title would establish, for a four-year trial period, a Drug Assets Forfeiture Fund, in which would be deposited the amounts realized by the government from forfeitures under the two drug statutes. These monies would then be available for the payment of awards for information and other assistance that result in such forfeitures. A similar fund for customs forfeitures would also be created.

In the letter that accompanied the Administration forfeiture proposal when it was first submitted to Congress, in 1982, Assistant Attorney General Robert A. McConnell stated:

> In 1970, in recognition of the importance of attacking the economic aspects of organized criminal activity and large scale drug trafficking, the Congress provided for the sanction of criminal forfeiture, in addition to the traditional penalties of fine and imprisonment, for violations of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq., hereinafter referred to as RICO) and the Continuing Criminal Enterprise statute (21 U.S.C. 848). More recently, Congress amended the civil forfeiture provisions of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 881) to provide for the forfeiture of all money used in illegal drug transactions and proceeds traceable to such exchanges. In enacting these provisions, Congress has provided us with important tools to combat racketeering and drug trafficking.

> However, the ability to achieve forfeiture of significiant amounts of property used in, or produced by, racketeering activity and drug trafficking has been hampered by ambiguities in and limitations of current law with respect to the types of property subject to forfeiture and by the failure of current law to address some of the practical problems faced by federal prosecutors in obtaining forfeitures. It is the purpose of this legislative proposal to cure these problems. 35/

Finally, Part D of Title IV would amend the Tariff Act of 1930, which governs forfeitures under both the customs and dangerous drug laws. The amendment is designed to alleviate the problem of unmanageable backlogs of civil forfeiture actions--especially in connection with drug trafficking cases--by broadening the category of such actions that may be handled through administrative forfeiture proceedings. Under current law, an administrative forfeiture action can be instituted only when the value of the seized property does not exceed $10,000. The amendment would increase the value limit to $100,000 where the proposed forfeiture is uncontested. Additionally, it would increase the amount of bond required to be filed by a party who wishes to contest the forfeiture and to force the government into a judicial proceeding--from the present $250 to $5,000 or 10 percent of the value of the property, but in no event less than $250.

A floor amendment to S. 1762 incorporated the contents of S. 2216, introduced on January 26 (1984) by Senators D'Amato and Hawkins. The amendment has three major features:

(1) language specifying that the forfeiture provisions of the Controlled Substances Act "be liberally construed to effectuate its remedial purposes"--being designed, according

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35/ Congressional Record, Daily Edition, March 31, 1982. p. S3189.

to Senator D'Amato, to "insure that the excellent holding in Russello 36/ will not be limited to RICO, but will apply to all of our drug laws." (Cong. Rec., 1-26-84, p. 5246)

(2) provision for a consolidated civil forfeiture action to replace the current requirement of a separate action in each judicial district where forfeitable property is found, and

(3) establishment of a new Federal criminal offense of reinvesting the proceeds of any felony violation of the Controlled Substances Act.

Another floor amendment requires the Attorney General—or the Secretary of the Treasury, as the case may be—to insure the equitable transfer of any forfeited property to the appropriate State and local law enforcement agency so as to "reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property."

The principle of expanding the possiblilities for forfeiture of drug trafficker assets has been generally uncontroversial. 37/ It might be noted, however, that some government lawyers with experience in the field have privately expressed doubts about the usefulness of the criminal forfeiture provisions of the bill, arguing that such proceedings place greater burdens on the prosecution. From their point of view, the proposed changes in the

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36/ Russello v. U.S., U.S. Supreme' Court decision of November 1, 1983 (52 Law Week 4003). The Court held that the insurance proceeds the petitioner received as a result of his arson activities constituted a forfeitable "interest" under RICO, thus resolving a split in the lower courts over whether the statute's forfeiture provisions extend to profits and proceeds of racketeering activity.

38/ In at least three instances, bills similar to the forfeiture title of S. 1762 have passed the House or Senate by voice vote.

administrative forfeiture statute are more significant, promising a greater number of successful forfeitures and a substantially beneficial effect on the current backlog of civil forfeiture proceedings.

Title VII. Drug Enforcement Amendments (Title V in S. 1762)

Part A. Controlled Substances Penalties

This part would amend both the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act 38/ to--

- increase the maximum prison penalties for trafficking in large amounts of an opiate, cocaine, phencyclidine (PCP), or lysergic acid diethylamide (LSD)
- increase the level of maximum fines that may be imposed as penalties for trafficking in any controlled substance
- increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in Schedules I or II (such as LSD and PCP)
- increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms
- permit State and foreign drug convictions to be considered under the enhanced sentencing provisions applying to repeat drug offenders.

The bill also singles out, for especially stringent treatment, trafficking violations involving the following drugs in the amounts specified:

- narcotic drugs in CSA Schedules I or II--other than cocaine--of 100 grams or more 39/
- cocaine--a kilogram or more

38/ Titles II and III, respectively, of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513; 21 U.S.C. 800 et seq., and 21 U.S.C. 1000 et seq.).

39/ "100 grams or more of a controlled substance . . . which is a mixture or substance containing a detectable amount of a narcotic drug . . ."

- phencyclidine (PCP)--500 grams or more
- lysergic acid diethylamide (LSD)--5 grams or more

For all such violations the maximum imprisonment penalty would be raised to 20 years. Under existing law all violations involving these drugs are subject to the following maximums:

- Schedule I or II narcotics (including cocaine)--15 years
- PCP--10 years
- LSD--5 years

In addition to raising maximum imprisonment penalties for bulk trafficking in the above drugs, the bill would increase the maximum for any other violation as follows:

- PCP--15 years
- LSD--15 years

Any marihuana trafficking violation involving 50 kilograms or more 40/ would be subject to imprisonment for up to 15 years, a maximum penalty at present limited to offenses involving 1,000 pounds of (454 kilograms) or more.

For an overall comparison of proposed and existing penalties, refer to the two tables below, Table 1 showing maximum prison sentences and Table 2, maximum fines.

40/ In the case of hashish, ten kilograms or more; hashish oil, one kilogram or more.

TABLE 1. Maximum Imprisonment Penalties for Controlled Substance Offenses: Existing and Proposed

Trafficking offense	Existing law	S. 829/H.R. 2151 S. 1762
Schedule I or II narcotic other than coca leaves or their derivatives	15 yrs. (at least 3 yrs. special parole term)	(A) 100 grams or more: 20 yrs.
		(B) All other: same as existing law.
Cocaine	"	(A) One kilogram or more: 20 yrs.
		(B) Less than 1 kilo: same as existing law.
Phencyclidine (PCP)	10 yrs. (at least 2 yrs. special parole)	(A) 500 grams or more: 20 yrs.
		(B) Less than 500 grams: 15 yrs.
Lysergic acid diethylamide (LSD)	5 yrs. (at least 2 yrs. special parole)	(A) 5 grams or more: 20 yrs.
		(B) Less than 5 grams: 15 yrs.
Marihuana	(A) 1,000 lbs (454 kilograms) or more: 15 yrs.	(A) 50 kilograms or more: 15 yrs.
	(B) Less than 1,000 lbs: 5 yrs. (at least 2 yrs. special parole)	(B) Less than 50 kilograms: 5 yrs.
Hashish	(A) 1,000 lbs or more: 15 yrs. (at least 2 yrs. special parole)	(A) 10 kilograms or more: 15 yrs.
	(B) Less than 1,000 lbs: 5 yrs. (at least 2 yrs. special parole)	(B) Less than 10 kilograms: 5 yrs.
Hashish oil	(A) 1,000 lbs or more: 15 yrs. (at least 2 yrs. special parole)	(A) One kilogram or more: 15 yrs.
	(B) Less than 1,000 lbs: 5 yrs. (at least 2 yrs. special parole)	(B) Less than one kilogram: 5 yrs.

TABLE 2. Maximum Fines for Controlled Substance Offenses: Existing and Proposed

Trafficking offense	Existing law	S. 829/H.R. 2151 S. 1762
Schedule I or II narcotic other than cocaine	$25,000	(A) 100 grams or more: $250,000
		(B) All other: $125,000
Cocaine	$25,000	(A) One kilogram or more: $250,000
		(B) All other: $125,000
Phencyclidine (PCP)	$25,000	(A) 500 grams or more: $250,000
		(B) All other: $125,000
Lysergic acid diethylamide	$15,000	(A) 5 grams or more: $250,000
		(B) All other: $125,000
Marihuana	(A) 1,000 lbs (454 kilograms) or more: $125,000	(A) 50 kilograms or more: $125,000
	(B) All other: $15,000	(B) All other: $50,000
Hashish	(A) 1,000 lbs or more: $125,000	(A) 10 kilograms or more: $125,000
	(B) All other: $15,000	(B) All other: $50,000
Hashish oil	(A) 1,000 lbs or more: $125,000	(A) One kilogram or more: $125,000
	(B) All other: $15,000	(B) All other: $50,000

A floor amendment to S. 1762 adds a new offense to existing law--that of distributing a controlled substance in or on, or within a thousand feet of, "the real property comprising a public or private elementary or secondary school." Amending the Controlled Substances Act, the provision authorizes double the maximum penalty for a regular trafficking offense. A second offense of the same nature would be subject to a mandatory minimum of 3 years imprisonment (maximum: life imprisonment), with a special parole term 3 times that regularly authorized for a second trafficking offense.

The analysis of S. 829 that was placed in the Congressional Record at the time the bill was introduced describes Part A of Title VII as providing for a "more rational penalty structure for the major drug trafficking offenses." 41/ Trafficking in illicit drugs is depicted as one of the most serious crime problems facing the country, "yet the present penalties for major drug offenses are often inconsistent or inadequate." Title VII (Title V) is designed to address this inconsistency and inadequacy by focussing on three perceived problems of existing law:

(1) Lack of distinction between penalties for large-scale and small-scale trafficking. For the most part, existing law makes no distinction between various drug offenses in terms of the quantity of the drug involved. Thus, an offense involving 500 grams of heroin is subject to the same penalty as an offense involving 10 grams. The bill would establish higher maximum penalties for trafficking in large, specified amounts of narcotics, LSD, and PCP; it would also modify existing distinctions--based on amounts--relating to marihuana offenses.

(2) Low fine levels. Current fine levels--in relation to the illicit profits generated by drug trafficking--are inadequate, according to the bill's sponsors. With the exception of the most recently enacted penalty for distribution of large amounts of marihuana [21 U.S.C. 841(b)(6)], the maximum fine that may be imposed is $25,000. The proposed title would provide "more realistic" fine levels that can "serve as appropriate punishments for and deterrents to these tremendously lucrative crimes." 42/

41/ Congressional Record, Daily Edition, March 16, 1983. p. S3148.

42/ Ibid.

(3) Disparity among certain penalties. Sentencing for offenses involving Schedule I or II substances is, under current law, "disparate." Higher maximum penalties are provided for offenses involving a narcotic in either of these schedules than for offenses involving a non-narcotic drug. "This penalty structure is at odds with the fact that non-narcotic Schedule I and II controlled substances include such extremely dangerous drugs as PCP, LSD, methamphetamines, and methaqualone, and federal prosecutions involving these drugs typically involve huge amounts of illicit income and sophisticated organizations." 43/ For the purpose of sentencing, the bill would remove the distinction between narcotic and non-narcotic substances in Schedules I and II.

At the time the Controlled Substances Act was enacted, the use of narcotic drugs--notably the opium derivative heroin--was considered the most threatening drug abuse problem of the nation, as it had been since the end of the nineteenth century. Spread of the use of such drugs as LSD, while attracting attention and concern, had not yet caused a notable shift in public perceptions. The use of PCP and methaqualone (Quaaludes) was principally a phenomenon of the Seventies.

The relative danger of drugs--both to the user and to society--is not always easily determined. However, the Drug Enforcement Administration has offered no objections to the dropping of the distinction between penalties for narcotic and for non-narcotic offenses, and presumably believes the move is justified by the changes in drug use patterns during the past decade.

As for the proposed increases in maximum fines that may be imposed under the CSA, some question might be raised about the necessity, or even the desirability, of the proposal. In virtually all trafficking cases involving large quantities, property is seized by the government and some form of forfeiture proceeding is initiated. If the forfeiture is obtained, there may be no money or property left the convicted defendant with which to pay

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43/ Ibid.

a fine. DEA officials note that it is not uncommon for the court to seek payment of a fine from seized properties or monies; in such an event the total amount levied against the trafficker remains the same, but fines may be considered by some to be less threatening than forfeitures to Fourth Amendment rights. However, fines apparently are seldom paid, even at the current law level; it might thus be argued that little is to be gained, of other than symbolic value, from these provisions.

Apropos the argument concerning sentence disparity, it might bear emphasizing that the penalties in question are maximum levels. Since in FY1979 the average length of sentence imposed on a Federal narcotics offender was 50.8 months 44/, it is obvious that such an offender frequently is penalized less than the current maximum for a non-narcotic offender. Whether the difference in statutory maximum penalties has in fact led to disparity in actual sentences is not altogether clear.

Perhaps the most serious questions raised by the CSA amendments are those arising from the proposed penalty distinctions based on the amount of a drug involved in the offense.

The bill would establish a two-tier penalty structure for trafficking offenses involving "a detectable amount of a narcotic drug" in Schedules I or II. Where 100 grams or more are involved, the maximum imprisonment sentence for a first offense would be 20 years. Where fewer than 100 grams are involved, the maximum would be 15 years. The effect of the provision would be to make the sale of 100 grams of heroin of low purity subject to a stricter penalty than the sale of 99 grams of pure heroin. In point of

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44/ Administrative Office of the United States Courts. Federal Offenders in United States District Courts, 1979. Washington, U.S. Govt. Print. Off., 1982. P. H-26 (Table H-12a).

fact, the further down the trafficking scale a sale takes place, the greater the likelihood that purity will be low. At the street level, normal heroin purity is currently about 3 to 7 percent. Going up the scale, from pusher to wholesaler, purity increases, while the volume involved in an offense is likely to be less. Thus, the provision might be interpreted as reflecting a policy that seeks to penalize low-level traffickers more harshly than many of those in the higher echelons.

In no other provision of the bill is the phrase "detectable amount" employed. Yet other drugs, especially cocaine, are also sold in diluted form. By omitting the phrase in connection with other offenses for which distinctions are also made on the basis of amount involved, the bill may be inviting the possibility of adverse court interpretations--i.e., that with regard to cocaine and non-narcotic offenses, the amounts specified are in terms of absolute purity. Under such an interpretation, the higher cocaine penalty would apply only if the one or more kilogram were 100% pure; the higher PCP penalty, only if the 500 grams or more were 100% pure.

Part B. Diversion Control Amendments

This section has no counterpart in any of the proposals considered in the 97th Congress. It is designed to improve efforts to prevent the diversion of therapeutic drugs into illicit channels and the improper distribution or prescription of such drugs by registered practitioners. Specifically, the principal provisions would do the following:

- permit the Attorney General (i.e., the Drug Enforcement Administration) to deny an application for practitioner registration if he determines that its issuance would be inconsistent with the public interest

- make it easier for the Drug Enforcement Administration (DEA) to revoke or suspend any registration--of manufacturers, distributors, or practitioners
- expand reporting requirements for drug distributors
- eliminate some practitioner recordkeeping requirements and tighten others
- simplify practitioner registration requirements (allowing a 3-year life-span if determined appropriate)
- clarify the control of isomers
- establish new emergency authority for DEA to place any uncontrolled substance under temporary controls which provide for registration, recordkeeping, and criminal sanctions for violation
- authorize a program of grants to State and local governments to assist them in suppressing diversion of controlled substances from legitimate medical, scientific and commercial channels
- expand import permit requirements to include the importation of all Schedule III substances.

Approximately 20 billion dosage units of therapeutic controlled substances are manufactured in the U.S. annually. Such substances were involved in two-thirds of all drug abuse emergency room visits reported in 1980. It is presumed that in the majority of these cases the drugs used had been illegally diverted. Officials believe some 90 percent of the diversion occurs at the retail-practitioner level. The so-called "script" doctor prescribes amphetamines, barbiturates and tranquilizers without regard to medical need; of the approximately 640,000 professionals licensed to handle dangerous drugs, the Drug Enforcement Administration estimates that 1 to 2 percent may be involved in illegal diversions. It is this problem that the central provisions of Title VII (Title V), Part B, seek to address.

Probably the most significant parts of the diversion control proposal are those bearing on the registration of practitioners and on the suspension or revocation of such registration.

Under the Controlled Substances Act, all handlers of controlled drugs must register annually with the Drug Enforcement Administration. Only registrants are permitted to manufacture, distribute, dispense, administer or prescribe a controlled substance. Any non-registrant who engages in such activity is guilty of illicit trafficking. Moreover, the law establishes bounds beyond which a registrant may not go without himself becoming guilty of the same offense.

"Practitioners"--including physicians, pharmacies and hospitals--are now registered as a matter of course if they are authorized to dispense or otherwise handle controlled substances under the law of the State in which they practice or operate. Under the proposed change, the Drug Enforcement Administration could deny registration to a practitioner if it determined that the registration would be "inconsistent with the public interest."

The bill specifies that in determining the public interest in connection with practitioner registration, the following factors are to be considered:

(1) the recommendation of the appropriate State licensing board or professional disciplinary authority;

(2) the applicant's past experience in dispensing, or conducting research with respect to, controlled substances;

(3) the applicant's prior conviction record under Federal, State or local laws relating to the manufacture, distribution or dispensing of controlled substances;

(4) compliance with applicable State, Federal or local laws relating to controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

Further, the proposal would amend existing law to provide specifically that failure to maintain the standards required for registration would be cause for a registration's suspension.

It is expected that this part of the bill will be resisted by the medical and pharmacy community in general. Doctors, in particular, have traditionally been hostile to anything that might be interpreted as government control over medical practice. Undoubtedly, fears will be raised in some quarters that enactment of the proposal would signal a return to the days when the old Federal Bureau of Narcotics was dictating medical policy with respect to the treatment of narcotic addicts. A counter-argument might be that any denial, suspension, or revocation of registration will continue to be subject to existing law provisions that place the burden of proof on the government in an administrative hearing.

Also of especial interest is the provision for a program of grants to the States and localities for diversion control purposes. This section provides statutory backing for an existing effort--the Diversion Investigation Unit (DIU) program. 45/

Title XII. Foreign Currency Transactions Amendments (Title IX in S. 1762)

Title XII (Title IX) would amend various sections of the Currency and Foreign Transaction Reporting Act 46/ to make it more difficult to transfer or transport, out of the country, currency derived from illegal traffic in drugs. Principally, the amendments would--

- prohibit the attempted transport, out of the U.S, of monetary instruments exceeding $10,000 (as well as actual transport, as under existing law, of instruments exceeding $5,000) absent the prior filing of a report with the Treasury Department

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45/ This program, at present minimal, was scheduled to be phased out; the provision signals an apparent change in Administration policy.

46/ 31 U.S.C., chap. 21.

- allow customs officials to search, without a warrant, for unreported amounts of cash brought into or carried out of the country
- authorize rewards to informants providing original information on a major violation of the Act
- increase the penalties and fines for failure to file the reports required under the Act.

The title would also amend the Racketeer Influenced and Corrupt Organization statute, to add criminal violations of the Currency and Foreign Transaction Reporting Act to the categories of acts defined under the former as "racketeering activities."

The proposal is substantially similar to S. 1907 of the 97th Congress, 47/ reintroduced in the 98th as S. 902. Upon introducing S. 1907, Senator Roth made the following case for the bill:

> . . . testimony which has been received during . . . hearings [held by the Permanent Subcommittee on Investigations] indicates that one of the most effective methods of combating the drug problem is to monitor and curtail the international flow of currency connected with the illegal drug trafficking industry.
>
> Testimony presented before PSI on innovative prosecutions such as Operation Gateway, Project Greenback, and Project Bancoshares has shown that, in order to achieve positive results in the war against illicit drugs, it is imperative to investigate and monitor the international cash flow. Obviously, trafficking is, of necessity, a cash flow business.
>
> * * * * * * * * * *
>
> One of the most effective tools available to assist in monitoring and curtailing the vast flow of the illegal drug profits out of the country is the Bank Secrecy Act (31 U.S.C. 1051). The Bank Secrecy Act, formally entitled the Currency and Foreign Transaction Reporting Act, was intended to provide law enforcement agencies with record keeping and reporting tools to investigate the financial resources connected with illegal activities, including drug trafficking.

47/ Introduced by Roth, Rudman, Cohen, Nunn, and Chiles on December 3, 1981; referred to the Senate Committee on Finance.

> Yet various loopholes which have been found in the act greatly dilute its usefulness in achieving this intended purpose. It is imperative to close these loopholes which hinder the ability of law enforcement authorities to stop the illegal movement of currency out of the United States. 48/

In 1980 similar legislation was reported in the House but failed to muster sufficient support for passage. 49/ Opposition had developed on the grounds that the provision allowing warrantless searches by customs officials would violate the Fourth Amendment, and that the bill as a whole would act as an impediment to free trade and as a threat to the stability of international currency markets. 50/

Title XIII. Federal Torts Claims Act Amendments (omitted from S. 1762)

In testifying before the Senate Subcommittee on Administrative Practice and Procedure, FBI Director William H. Webster has called the Title XIII provisions the "number one legislative priority" of the Bureau. Officials of the Drug Enforcement Administration have also emphasized, informally, the importance of the proposed tort amendments.

This title would amend the Federal Tort Claims Act (28 U.S.C.) to include thereunder claims based upon a common law tort or tortious conduct, arising under the U.S. Constitution and founded upon a theory enunciated by the Supreme Court in Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics [403 U.S. 388 (1971)].

48/ Congressional Record, Daily Edition, December 3, 1981. pp. S14554-14555.

49/ H.R. 5961, 96th Congress (H. Rept. 96-829). House failed to suspend rule and pass the bill July 28, 1980.

50/ Opposition Mounts to Pending Amendment. Barron's, July 14, 1980. p. 11.

In Bivens the Court ruled that a cause of action was available against individual Federal government employees for tortious conduct while discharging official responsibilities. Since the decision, thousands of employees have been taken to court, and at present there are cases pending that involve some 10,000 of them.

The principal aim of the amendments is to make the government, not the employee, the defendant in a Bivens-type case. The reach would be only to acts committed or omissions occurring during the course of an individual's Federal employment. In its own defense, the government would be able to assert the "good faith" of the employee responsible for the tortious act.

The amendment is justified by its prononents as a needed relief for Federal law enforcement officials. Testifying on the bill, Assistant Secretary of the Treasury John M. Walker, Jr., described the threat of personal liability as hanging "like a Damocles sword" over the heads of law enforcement officials and as inhibiting them from "taking an aggressive approach in enforcing the laws." 51/

The American Bar Association supports the general principle of the proposal but is critical of some of its aspects. Testifying on the bill, officials of the Association faulted Title XIII for not providing sufficient assurances of accountability on the part of Federal employees--such as a provision that would allow an aggrieved citizen to initiate and participate in agency disciplinary proceedings against an employee alleged to have committed a constitutional tort. The ABA further opposes the provision that would allow the government to assert as a defense the "good faith" of the employee:

51/ Statement before the Subcommittee on Criminal Law, Senate Committee on the Judiciary, (on) the Comprehensive Crime Control Act of 1983; May 4, 1983.

> In our view, the agency--unlike the officer--has an absolute duty to be correct in its understanding and application of the law. The defense is permitted to an individual because he or she is taking discretionary action, and should not be held liable when acting in good faith. But when the government is the defendant, it should not be allowed to escape liability by arguing that the employee was following a governmental policy. 52/

Title XIV. Miscellaneous Violent Crime Amendments (Title X in S. 1762)

Part A. Murder-for-Hire and Violent Crimes in Aid of Racketeering

This part makes it a Federal offense to travel in interstate or foreign commerce (or cause another to do so) for the purpose of committing murder or other violent crimes in return for anything of pecuniary value. It also makes it a Federal offense to murder or commit a violent crime in aid of a racketeering activity in return for anything of pecuniary value from an enterprise engaged in a racketeering activity; for the purpose of this provision, "racketeering" would have the meaning assigned under 18 U.S.C. 1961 (Racketeering Influenced and Corrupt Organizations Act), which includes trafficking in narcotics or other dangerous drugs.

Part M. Extradition Reform (omitted from S. 1762)

International extradition is the process by which a person located in one country is arrested and turned over to the authorities of another country for criminal trial or punishment. Part M of Title XIV is designed to improve and

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52/ Statement of William W. Greenhalgh, B. James George, Jr., and Timothy B. Atkeson on behalf of the American Bar Association, concerning . . . S. 829, before the Subcommittee on Criminal Law, (Senate) Committee on the Judiciary . . . May 19, 1983.

expedite U.S. extradition procedures with respect to foreign nationals and to facilitate requests by the United States for extradition, from a foreign country, of a person sought in the U.S. for criminal trial or punishment. Justice Department explanations of the provisions have stressed their potential utility in the extradition of narcotics traffickers.

This part is substantially similar to S. 220, 98th Congress. 53/ Both are designed to accommodate concerns raised over similar 97th Congress proposals insofar as the latter would have transferred from the courts to the State Department the power to decide on political offense exceptions to the general extradition law. Under S. 829/H.R. 2151, as well as under S. 220, offenses that may not be considered political in nature, and therefore privileged, are specially set forth, and it is the courts that would decide whether an offense falls within one of the excluded categories.

Although included in the reported Senate bill, extradition provisions were by unanimous consent deleted from S. 1762 during floor debate and introduced as a separate bill (S. 2236) that was thereupon placed on the Senate calendar. In so moving, Senator Thurmond noted that "there are several issues about the extradition part that remain to be resolved."

Pharmacy Robbery and Burglary (S. 1762 only: Part N)

The Senate bill as reported and passed contains one section relevant to drug control that has no parallel in the original Administration bill

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53/ Introduced by Senator Thurmond on Jan. 27, 1983; see also H.R. 2643. For further background and discussion, see S. Rept. 97-331, accompanying S. 1940, the 97th Congress bill developed by the Senate Judiciary Committee, of which the political offense exception provisions were also considered by the Foreign Relations Committee.

S.829/H.R. 2151. Based on proposals that have regularly been introduced in Congress since the early Seventies, the section would make robbery or burglary of a pharmacy a Federal offense where a substance regulated under the Federal Control Substances Act is taken or sought. As reported, mandatory minimum penalties would have been required; however, a floor amendment 54/ deleted the minimums and instead specified both maximum terms of imprisonment and maximum fines.

Specifically, the pharmacy crime section provides that anyone convicted of a controlled substance robbery or burglary (or the attempt), of a pharmacy or a person registered with the Drug Enforcement Administration under section 202 of the Controlled Substances Act (21 U.S.C. 822), shall be subject to imprisonment for up to 20 years and a fine of up to $25,000 or both. Anyone who, in committing one of these offenses, assaults any person or puts any person's life in jeopardy through use of a dangerous weapon or device, would be subject to imprisonment for up to 25 years and a fine of up to $10,000. If the offense were to result in a homicide, a conviction could result in life imprisonment.

The Senate report on S. 1762 describes the section as justified by "the existing Federal regulation of controlled substances and of the persons registered to manufacture, distribute, and dispense these substances, coupled with the serious danger from robbery and burglary faced by these registrants." 55/

54/ Congressional Record, Daily Edition, January 31, 1981, p. S555-S558.

55/ U.S. Senate. Committee on the Judiciary. Comprehensive Crime Control Act of 1983. Report on S. 1762. Washington, U.S. Govt. Print. Off., 1983. p. 360. (98th Congress, 1st session. Senate. Report No. 98-225).

Opponents to the concept embodied in the section argue that the mere fact a substance is Federally controlled, and the use of it a matter of special national concern, should not dictate that every crime involving it be a Federal offense. Enactment of such a measure would, in their view, establish an unfortunate precedent and invite a further expansion of Federal criminal jurisdiction into areas heretofore held to be the province of the States. They remind supporters of the approach that every State has its own statutes providing for the special regulation and control of the substances in question, and for penal sanctions against robbery, burglary, assault and homicide.

The Senate report acknowledges the concerns of the provision's critics in the following passage:

> . . . the Committee recognizes that robbery and burglary are traditionally matters of State concern and that many local police departments and prosecutors are fully capable of responding to these crimes when directed at pharmacies and other DEA registrants.
> . . . the Committee anticipates and intends that local authorities will continue to play a major role in or handle exclusively most such cases and that Federal authorities will intervene only where such aid is needed, for example in the case of an interstate ring of burglars or where involvement of organized criminal elements is suspected. The Committee expects that State and Federal officials will enter into working arrangements through the Justice Department's Law Enforcement Coordinating Committees or through some other localized process concerning the types of cases each will handle. 56/

Title XV. Serious Nonviolent Offenses (Title XI in S. 1762)

Part C. Warning the Subject of a Search (Part B in S. 1762)

Part C would add a new paragraph to section 2232 of title 18 of the U.S. Code to make it an offense to warn a person that his property is about

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56/ Ibid.

to be the target of a search. The section-by-section analysis placed in the Congressional Record at the time the bill was introduced notes, as an example of what the bill seeks to punish, a recent case in which a local policeman attempted to warn a narcotics dealer that a Federal warrant to search his house had been issued. According to the analysis, this conduct could not be successfully prosecuted under existing law. 57/

Part I. Possession of Contraband in Prison (Part H in S. 1762)

Part I would add a new section to title 18 of the U.S. Code to prohibit the possession of certain contraband articles by Federal prison inmates. Under present law it is illegal to introduce contraband into a Federal penal institution, or to remove it, but possession and receipt are not covered. The amendment would both prohibit the possession or receipt of any contraband article that might be used in effecting an escape and specifically prohibit--subject to a substantially higher penalty--the possession or receipt of a firearm, any other weapon or object intended to be used as a weapon, or a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

57/ Congressional Record, Daily Edition, March 16, 1983. p. S3157.

HH/mb

[From the Washington Post National Weekly Edition, April 8, 1985]

WASHINGTON'S OTHER INDUSTRY: HEROIN—THE TRAFFIC IS HEAVY; AND WIDE OPEN

(By Courtland Milloy and Linda Wheeler)

Nine fatal overdoses one recent weekend furnished stark new evidence of heroin's increasingly deadly hold on the nation's capital.

Washington is a major center of the heroin trade, law enforcement officials and experts on drug abuse say.

The capital's death rate from overdoses is far out of proportion to the city's size. In the year that ended Sept. 30, according to federal government figures, there were 185 heroin overdose deaths in the Washington area, exceeding such deaths in much larger metropolitan areas, such as Chicago with 53, Detroit with 91 and Philadelphia with 65.

What police are up against in the fight against drugs in the capital is quite different from what they are battling in other major urban areas. Police say that instead of organized crime controlling drug trafficking, as in New York or Chicago, Washington's drug business is controlled by make-shift clusters of addict-dealers—a hierarchy of friends and acquaintances who operate as crime captains, lieutenants, sergeants and crew members.

The heroin traffic in the capital is distinctive not only for its volume but also for its openness. District of Columbia police have identified 20 locations throughout the city where heroin is bought and sold openly on the streets. Four are major 24-hour-a-day markets, serving as virtual convenience stores for the city's estimated 12,500 addicts.

Often addicts and "chippers"—casual recreational users—pay to shoot up in "oil joints," shabby basement or first-floor apartments near the marketplaces. For those too frightened to inject the drugs themselves, there are "hit doctors" who will do the job for $5.

Mayor Marion Barry, Police Chief Maurice T. Turner and other city officials years ago declared "war" on heroin in Washington, and they have been issuing new declarations ever since. But they also have spoken often of the frustrations of battle against a global drug trade.

Police stage periodic raids on the more flagrant heroin depots, disrupting business for a time. But in the long run they succeed mainly in pushing the dealers from one street corner to another, or dispersing them more widely throughout the city.

"We realize that we can't stop it," says Capt. James Nestor, head of the D.C. Narcotics Task Force. "The best we can do is try to put a hurting on the people who use it. Our job is to make the citizens happy. Citizens don't like seeing addicts congregating on the streets, so we keep chasing them around the city."

Despite the efforts of police and city officials, the death rate from overdoses keeps rising—in 1980 there were 82 in Washington, a high number compared to other cities by less than half as many as last year.

One contributing factor in the rise of the heroin death rate in Washington is the increasing purity of the drug sold on the city's streets.

Inspector Kris Coligan, head of the D.C. police department's morals division, which handles narcotics offenses says that in 1978, heroin seized on the streets averaged 1.8 percent purity—that is, it contained 1.8 percent pure heroin. By last year, he says, the average had risen to 6.2 percent; now officers are seizing heroin of 7 percent purity.

So the police chase the addicts and the addicts chase the drugs. And on the evening of March 1, as people all around the city began dropping from overdoses of an untraced batch of lethally potent heroin, Assistant Police Chief Isaac Fulwood went on the 11 o'clock news to warn users to stay away from narcotics that night.

The city government had assumed the role of consumer watchdog.

Police and other sources give this account of how the city's drug organizations work: A captain sets the tone for his operation with the name he chooses for his product—"Direct Hit," "B-52," "Cujo," "Black Tape," "Rattlesnake," "J.R." or "Murder One," just to name a few of the scores of brand names that identify not just the drug but also the people associated with the operation.

While crew members work the street corners in eight-hour shifts, sergeants determine what kind of stolen goods will be accepted in lieu of money. Lieutenants tally the proceeds and make sure that the city's "dope centers" are supplied at the right time of the month.

The drug business is regulated by the day of the month, with the 1st, 3rd and 15th being the days when the "best" dope is put out on the street to lure new customers. These are the days when we welfare and other government benefit checks are received, and drug dealers are known to offer discount to welfare mothers in an effort to get them hooked.

By the end of the month, when money is tight a type of drug dealer known as the "garbage man" takes over the market, selling an inferior quality drug at prices as high as the market will bear.

Using a mixture of substances such as iron, quinine and confectioner's sugar to increase the quantity of the drugs, the garbage man is often as dangerous as the dealer who puts out a purer product.

A sudden outbreak of overdose deaths "will happen again," says Coligan. "They [drug dealers] are not chemists or doctors. These are street people. They are not mixing this stuff in a lab. They make mistakes and errors, and they will end up killing people."

While the makeshift crime associations are conspicuous, police say there is another group involved in the trade—perhaps three or four major heroin dealers who are second- and third-generation pushers. They do not use heroin themselves, and they try to avoid contact with addicts, whom they consider beneath them.

The National Institute of Drug Abuse compiled a statistical portrait of heroin users in Washington, based on 1983 and 1984 data from hospitals, the medical examiner's office and the U.S. Department of Health and Human Services.

Seventy-two percent of the city's heroin users are addicts, the study found. Twenty-two percent use the drug for "psychic effect," which seems to reflect what authorities say is an increase in casual or weekend use of the drug. One percent had used heroin in a suicide attempt.

Half the city's heroin users, according to the profile, are between the ages of 20 and 29. An additional 40 percent are in their 30's. Three-quarters of Washington's heroin users are black; two-thirds are male.

Dr. Lonnie Mitchell, head of the District of Columbia government's drug abuse program, says the city estimates that there are 12,500 heroin addicts in Washington. He says the city's drug treatment programs see a monthly average of 3,400 persons.

City officials, he says, recently decided that methadone maintenance programs—in which the heroin addict is given methadone, which also is addictive—are not a workable long-range solution.

"We have people who have been on methadone for 12 or 13 years," he says. "In November we made a decision to limit methadone to two years." He says the city is starting to use another substitute drug that is not addictive.

The openness of the heroin trade in Washington is striking. "The street markets are the fastest way to sell the stuff," police Capt. Nestor says. "It is unreasonable to expect us to eliminate drugs in the city without elimination of the supply. No enforcement agency could eliminate the drug users without stopping the supply. If the supply stopped, you won't need us there."

Nestor adds, "The only thing that bothers people is what they can see. No one would care if it were indoors. That was the case with cocaine. It was sold indoors for years, and now that it's on the street, people care about it."

Assistant Police Ronald Cox, who has jurisdiction over the morals division, says police have not given up on attempts to stop the heroin traffic and the related crime it generates as addicts steal to maintain their habits.

"We don't want to contain it," he says, "we want to eliminate it. We are hoping to get some major traffickers off the street and make the situation unbearable. . . . If you don't do anything about it, then you are giving a license to people to traffick in drugs. When we get to the point where we accept defeat, we have lost. . . . I have to believe that we will win. We can't tolerate what we have got. . . . We can't let discouragement beat us."

D.C.'s Heroin War

(By James Grady)

Washington has 16,500 "official" heroin addicts—junkies logged by the civic bureaucracy. "Those are just the ones who admit it," says narcotics detective Jesse Holmes, who's policed the heroin business since 1969. Although he declined to offer a more accurate estimate, another knowledgeable policeman put the figure "closer to 25,000—when you count all the commuters in from Virginia and Maryland who come here to score." Heroin users are anybody. Occasional skin poppers or snorters, twice-a-day mainliners, the chic and the smart, the stoned-out ghetto junkie or the Harvard hotshot on Capitol Hill. Addiction respects neither intelligence nor social status, and no matter what they claim, all regular heroin users become junkies.

How they pay for their habit, what it costs and how big the business is are all guesses. Until the addiction to any drug becomes debilitating, its user can hold a steady job. Most junkies don't, in part because they can't earn enough, so most junkies steal. For every $10 of property a junkie steals, he nets $1 to spend on heroin, according to Capt. James Nestor of the D.C. police narcotics squad. That means a junkie with a $10,000-a-year habit and no legitimate means of support must steal $100,000 of merchandise or rob enough cash to feed himself and his habit. Nestor estimates that the D.C. heroin market consumes conservatively 365 pounds of heroin a year (with the heroin's purity an important though incalculable factor), with a $270 million street trade impact, of which $200 million represents profit. The junkies usually buy "quarters" of heroin—about a quarter teaspoon; average price is $40. This month's purity averages about 3.5 percent, down from a high of 7 percent during the wave of the last two years, but up from the levels of the mid-1970s.

Customers and cash for heroin add up to crime and criminals. In D.C.'s heroin world, there is no shortage of crooks. Besides being "dirty" for merely holding heroin, a junkie may (and often does) try to increase the amount of dope he can purchase by selling a little on the side. The cash calls out to the ambitious: "I had a guy tell me he didn't use the stuff," says Detective Holmes, "but, he said, 'Where else can I make $8,000 in 30 minutes?'" Such a man might be an independent, he might work with a few companions, or he might be tied into a major heroin gang.

And they're usually telling the truth—at least about that.

The new faces may not be local. Besides an increase in the strength of heroin, the increasingly organized gangs, and the young bucks packing heat, the D.C. heroin market has been changed by the advent "of the New York scene," according to Detective Holmes.

D.C. has a reputation as a great market for drugs, a market in which "the cash is ready," says Holmes. And not only is the market allegedly good, the customers are supposedly less picky. Heroin in New York, says Holmes is stronger—7 percent "is called garbage up there." And the dealing structure is more rigidly controlled by that city's underworld rules. A bag of heroin in NYC sells for about $60 and is perhaps twice as strong as acceptable street dope in D.C. New York entrepreneurs are buying their local product, diluting its quality by doubling its quantity, renting cars, driving to D.C. and reaping fast, huge profits: "In 90 minutes he's got it sold."

But Holmes doesn't know "how long the New York guys will last. They strongarmed their way in, packed with heat," and the local businessmen are growing increasingly annoyed at the competition.

For the record, no official links D.C.'s heroin trade to any traditional organized crime or Mafia group. However, the Mafia dominates the international heroin trade, law enforcement intelligence sources have tracked traditional Mafia groups here, and it is safe to assume La Cosa Nostra gets a cut of D.C.'s drug dollar somewhere along the line.

Where does D.C.'s heroin come from? In the past, it has followed the classic French Connection of both Turkish and Southeast Asian heroin from the Golden Triangle. There was a period in the 1970's where Mexican Mud (brown heroin named for its country of origin) hit D.C.'s streets. There is a glut in the heroin market today. Production records are being set. Most of D.C.'s heroin originates in the Golden Crescent area—the Middle East, Pakistan, even war-torn Afghanistan. It gets to Europe and then to America, or even comes directly here. Capt. Nestor talks about a growing problem with Pakistani and other Golden Crescent immigrants "who only need to write home" to score. Their only problem is they don't yet have a distribution network, he says. There are persistent rumors linking various political terrorist groups with the drug trade—using heroin or cocaine instead of cash to purchase weapons or to acquire the cash needed to fund their operations. Although some big-time D.C. dealers mule their own stuff from Europe, Detective Holmes and some other experts think most of D.C.'s heroin is bought from New York brokers.

What happens when the heroin gets here is what gave D.C. the "new wave" war we've just passed through.

The late 70s were rough enough. Gangs like Linwood Gray's fought their way to dominance disdaining traditional "rules" of the underworld. In December of 1978, someone gunned down Assistant U.S. Attorney Barry Leibowitz literally a stone's throw away from D.C. police headquarters and the city's courts. The would-be assassins shot Leibowitz, but didn't kill him, despite their use of cyanide bullets. Leibowitz had been working heroin cases, and no one doubts that the heroin business prompted the attempt on his life.

The attempted murder of Leibowitz wasn't the only sign that an unprecedented wave of violence was surging through D.C.'s heroin world.

"[The police department] became aware in 1981 of a significant number of drug related homicides," says Capt. James Wilson, D.C. homicide squad. Homicides involved turf wars, money disputes and other business and personal disagreements linked to the drug world, as well as a few incidents of civilians getting gunned down in the crossfire.

Some of those "significant" homicides, as described in confidential police files, included:

The white male customer shot while buying drugs at 14th & V.

An innocent bystander shot in a gun battle between a drug group and a hold-up gang at 14th & U.

The assassination of one gang member by a rival group.

The murder of an elderly woman who accidentally drove into the heroin jungle on 14th Street after Bible class.

The murder of a collector who embezzled from his boss.

The murder of an enforcer who failed to kill someone who fell behind in his payments to the enforcer's boss.

The "truth in advertising" murder when a dealer fraudulently boasted to a customer that the product being offered was the famous Goldenboy heroin. The customer turned out to be a real Goldenboy dealer. He shot the liar on the spot.

Of the 232 murders in D.C. in 1981, more than 10 percent were drug related; the Department likened the situation in the city in 1981 to "a war."

"Once we realized we had a figure that was much higher than it should be," says Capt. Wilson, "we decided we had to be proactive rather than reactive. . . . Several groups of drug traffickers were surfacing, groups we've never heard of, younger people. They were running amuck, . . . doing a lot of things simply because we didn't know who they were."

The Department created a small, elite squad of crack homicide and narcotics squad officers, linked it to the Organized Crime Branch of District Court, and turned it loose on drug murders. The squad's official name was the Homicide/Narcotics Task Force, but it became, known by its codename: Copperjacket—from the type of ammunition used in several drug murders.

In October of 1981, Copperjacket hit the streets. The squad found organized gangs as well as individual dealers, links to criminals in other cities, sophisticated and vicious "business practices" and Madison Avenue-like marketing techniques: during the heroin wave just past, dealers often named their particular brand of heroin to build up a regular clientele in these times of fierce competition. Such names as Black Tape, Brown Tape, Goldfinger, Homicide, Murder One, Redrum (murder spelled backwards), Good Puss, Goldenboy and others flooded the market. "They actually had rubber stamps to stamp their name on the bags," says Detective Holmes. For a brief period members of the Black Tape organization wore the same colored jumpsuits so customers could pick them out of the crowd.

But the jumpsuits—like the brand names—also made it easier for the police to track the pushers. These "fads" have now died out. "Today they may say they're selling Black Tape dope," says Detective Holmes, "but the packages aren't marked like they used to be."

Copperjacket is one of three special task forces fighting heroin trafficking in D.C. There is also a Drug Enforcement Agency-Metropolitan Police Department Task Force targetting smugglers and major traffickers, and the police STP (Stop Trafficking and Pushing) "jump squad" aimed at busting up street transactions.

"It appears if you specialize," says Capt. Nestor of narcotics, "you have a better chance."

The "jump squad" seems to have proved his point—at least in terms of statistics. In 18 months, the 40 officer squad made 5,000 narcotics arrests.

"We're getting to be a pain in the ass [for the heroin crowd]," says Nestor. The jump squad will be two years old in August; the heroin crowd expected it to be a temporary and minor inconvenience. According to Nestor, however, the jump squad will stay on the streets for the foreseeable future.

Copperjacket is still active, still semi-secret despite its members winning special citations from the U.S. Attorney's office and a brief public announcement by the police department on September 8, 1982 that released some data and acknowledged the squad's existence. Most Washingtonians probably missed the announcement. The Post carried an eight-paragraph story the next day in the lower lefthand corner of Page B4 under the headline "D.C. Releases Statistics of Drug Killings." The *Post* didn't mention Copperjacket or the word "war"—both of which were discussed in the Department press release.

Such statistics—500 heroin/cocaine dealers identified, 20 persons charged with a variety of murders, quarter of a million dollars in heroin seized, a number of arrests for other offenses—are only part of Copperjacket's story. By concentrating on the murders, by using an elite and unknown Task Force, the police confused the heroin underworld.

"The word got around there's something in the air, there's something (the police) are doing," said Wilson. "They knew that we were coming at them from all angles, but they didn't know who we were or what we were doing. They knew they'd been hit."

And where once the police had been ignorant of the forces in this new wave heroin war, says Wilson, now "we probably know just as much about those people as they know about themselves."

"The word" got around: one major dealer, fearing he was targeted by this mysterious squad of cops, shut down his operation. Ironically, Copperjacket hadn't been investigating him at all.

A more important "word" got around, one that shatters police-underworld myths: *you don't kill a cop.* D.C. police officers have learned that several dealers offered "contracts" for the murder of Copperjacket squad members. The dealers might not have known the whole story of this troublesome squad, but they knew some of the cops. That was enough reason for them to put out murder contracts.

"We don't take them lightly," said Capt. Wilson. Squad members were ordered to take certain still-secret precautions. "But we're not going to be intimidated," said Wilson. "This is a hunting and chasing game. We let them (the dealers) know that we're the ones doing the hunting and chasing."

Copperjacket's "hunting and chasing" has paid off: homicides are down citywide, not as common as they were in the narcotics netherworld. That doesn't mean there is less heroin business.

"It's as busy now as it's ever been," notes one narcotics street cop. "it's quieter, though. Not as much gang rivalry going on. The only reason for that is there was a concerted effort by courts and law enforcement to shut it down."

"Within the last year or so," says Detective Holmes, "some big guns have fallen."

By taking out repeat murderers and the more vicious dealers, the police cut down on the crimes they would commit as well as solving crimes they had committed. And while all officials interviewed agree that the heroin situation in D.C. is not as volatile as it was during the wave of 1981-1982, there is little belief that the police are doing more than fighting a holding battle.

"It's like an octopus," said one detective. "It keeps getting bigger and bigger. Cut off one tentacle, it grows back someplace else."

"You can put a dent in it," says Detective Holmes, "but you're never going to stop it."

D.C. junkies are still scoring in the heroin hotspots—14th & U, 14th & V, 14th & W, 11th & O, Martin Luther King and Talbert, Potomac Gardens, plus selected corners along H Street N.E., a few other spots in Southwest, some in Adams-Morgan, with the turf controlled by an individual dealer being as small as the ground he stands on or as much of a city quadrant as the guns of his gang can command. The junkies live in twisted visions where "normal" is being high on an illegal drug and values are bizarre: junkies who snort heroin look down on junkies who use a "spike"—needle—to inject the drug. Detective Holmes knows one junkie who gets his "flash" not from the heroin itself but from sticking the spike into his arm: all else is anti-climactic.

The dealers are still out there—the local one-bag boys, the small independents, the 8 to 12 major gangs, the New York scene and the junkies just hustling that way to the next fix. Some of those "big guns" like Linwood "Big Boy" Gray will be back on the streets again soon. The official police attitude on that is confidence. "There won't be anything we can't handle" says Captain Wilson. Unofficially, all cops aren't so sure: "It's going to be hell on wheels" when Gray and other "big guns" hit the street again and try to pick up where they left off.

The violence associated with the war just passed has spilled over into the present. Less than two months ago a gunman ordered two men up-against-the-wall at Potomac Gardens, then shot both of them (killing one), reloaded, walked away firing, shot a passerby on a bicycle, and faded into the night. Police have charged a suspect with that murder in what they now admit was "a drug-related incident." Copperjacket's caseload has expanded from the 26 murders they started with to a number the Department won't officially disclose but which sources put at "about twice that" (an estimate that includes many cases already closed by the squad). In nearby Prince George's County a witness in a drug trial was machine-gunned to death, a move straight out of the contemporary legends of Florida's Dade County or historical legends of Capone's Chicago. And yet, on-the-record comments, confidential &

reliable sources and even statistics show that D.C.'s heroin world is quieter now than the wave of war of the last few years.

As for what's coming, the wave on the horizon, no one wants to venture a guess.

"We'll have to wait and see," said Capt. Wilson. "They're not killing people in D.C. the way they were . . . for every action they come up with, we have to have a reaction. . . . It's not like the game is over because it's not. If we think we have won the battle, then we've lost."

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FEDERAL LAWS RELATING TO THE CONTROL OF NARCOTICS AND OTHER DANGEROUS DRUGS, ENACTED 1961-1984: BRIEF SUMMARIES

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ABSTRACT

This report contains summaries of enactments, treaties, and reorganization plans, passed from 1961 through 1984, that have some clearly indicated relationship--either by specific reference or by virtue of legislative history--to the Federal effort to prevent drug misuse through control of the supply of narcotics and other dangerous drugs.

FEDERAL LAWS RELATING TO THE CONTROL OF NARCOTICS AND OTHER DANGEROUS DRUGS, ENACTED 1961-1984: BRIEF SUMMARIES

INTRODUCTION

During the past twenty-three years, Congress has enacted a large number of laws intended, in whole or in part, to prevent the misuse of narcotics and other dangerous drugs. Of these enactments, some are designed to reduce the demand for such drugs--through treatment, education, and intervention efforts--and others are aimed at reduction of drug supply--through regulation of manufacture and distribution, by curbing illicit traffic, and by foreign assistance for the control of drug production and trafficking abroad.

This compilation provides summaries of enactments, treaties and reorganization plans, passed from 1961 through 1984, that have some clearly indicated relationship--either by specific reference or by virtue of legislative history--to the Federal effort to prevent drug misuse by means of supply reduction. Measures for the prevention of drug misuse through demand reduction are not included.

Appropriation laws are included only if they contain provisions bearing on the substance of the activity or program for which funds are being appropriated.

It should be noted that many measures of a general nature--such as broadly directed anti-crime laws or laws authorizing the activities and funding of general law enforcement agencies (Coast Guard, Customs Service, FBI, etc.)--may also contribute to the drug control effort.

What does present Statute do

BRIEF SUMMARIES OF PUBLIC LAWS

P.L. 87-228

91813

Section 1101

Makes it a Federal crime, punishable by a fine of up to $10,000 or 5 years imprisonment or both, to travel or use communications facilities in interstate or foreign commerce to carry on or to aid racketeering activity (including any illegal organized enterprise involving narcotic drugs).

P.L. 87-274: Juvenile Delinquency and Youth Offenses Control Act

Authorizes $10 million for fiscal year 1962 and each of the two succeeding years to make grants to Federal, State, local and other public or nonprofit agencies and organizations to pay part of the cost of carrying out projects demonstrating or developing practices for the prevention, diminution, and treatment of juvenile delinquency and holding promise of making a substantial contribution to the solution of juvenile delinquency problems (including the problem of juvenile drug abuse).

Provides technical assistance services to States, municipalities, and other agencies--including investigations, reports and short term training.

Directs the Secretary of the Department of Health, Education and Welfare, in administering the Act, to consult with the President's Committee on Juvenile Delinquency and Youth Crime on matters of general policy and procedure.

P.L. 88-368: Juvenile Delinquency Act Extension

Extends for an additional 2 years the Juvenile Delinquency and Youth Offenses Control Act of 1961, with provision for a special demonstration project for prevention and control of juvenile delinquency in the District of Columbia.

P.L. 89-74: Drug Abuse Control Amendments of 1965

Amends the Federal Food, Drug, and Cosmetic Act to provide for special controls over the manufacture and distribution of depressant and stimulant drugs--including increased recordkeeping and inspection requirements, control over intrastate commerce in such drugs as well as interstate--and to make possession of the drugs (other than by the user) illegal outside of the legitimate channels of commerce.

P.L. 89-793: Narcotic Addict Rehabilitation Act of 1966

Provides for the possibility of civil commitment, for treatment, of narcotic addicts charged with Federal law violations; provides for the possibility, under certain circumstances, of civil commitment to Federal care (for treatment purposes) of addicts who are not charged with any criminal offense; and provides for grants to States to assist in developing and maintaining specialized services and programs for addicts. Also, makes Federal marihuana law violators eligible for parole.

P.L. 89-794: Reorganization Plan No. 1, effective April 8, 1968

Merges the Bureau of Narcotics (Treasury Department) and the Bureau of Drug Abuse Control (Department of Health, Education and Welfare) into a new agency, the Bureau of Narcotics and Dangerous Drugs, in the Department of Justice.

P.L. 90-351: (Title I) Omnibus Crime Control and Safe Streets Act of 1968: Title I, Law Enforcement Assistance

Authorizes a program of formula grants to States for the purpose of improving and strengthening law enforcement, which may include efforts to treat and rehabilitate narcotic addicts within State criminal justice systems; and also authorizes a program of "discretionary" grants to States and localities for implementation of "special emphasis" law enforcement activities, which also may include drug abuse control projects.

P.L. 90-639: Increased Penalties for Dangerous Drug Offenses

Provides increased penalties for illegal trafficking in depressant and stimulant drugs, including LSD and other hallucinogens, and makes possession of such drugs illegal (first offense a misdemeanor) unless obtained through a valid prescription.

P.L. 91-296: Marihuana and Health Reporting Act

(Title V of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970). Requires the Secretary of Health, Education, and Welfare to make an annual report to the Congress on the health consequences of marihuana use.

P.L. 91-452: Organized Crime Control Act of 1970

Title I: Provies for the summoning of special grand juries in major metropolitan areas, for the purpose of investigating organized crime activities, and authorizes such juries to issue reports upon conclusion of their terms.

Title II: Provides that, and prescribes the manner in which, a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination, and defines the scope of the immunity to be provided such witness with respect to information provided under an order.

Title III: Codifies previously existing Federal civil contempt procedures designed to deal with recalcitrant witnesses in grand jury and court proceedings, authorizing civil contempt commitment until the court order is complied with, and makes subject to Federal process witnesses who flee State investigative commissions to avoid giving testimony.

Title IV: Abolishes the "two-witness" and "direct evidence" rules in the trying of Federal perjury cases, and provides for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements.

Title V: Authorizes the Attorney General to protect and maintain Federal or State government witnesses in organized crime proceedings, along with their families.

Title VI: Authorizes the taking of pretrail depositions of Federal Government witnesses in criminal cases against persons believed to have participated in organized crime activity, and the use of such depositions as evidence in subsequent prosecutions.

Title VII: Provides that in any legal proceeding of the United States, the consideration of claims that evidence is inadmissable because derived from the illegal use of electronic, mechanical or other device shall be limited to those cases where the alleged illegal act has taken place within five years of the time the claim is made; and limits disclosure of information by the Government in such cases to only such as is relevant to determination of admissibility of the evidence and is in the interest of justice.

Title IX: Racketeer Influenced and Corrupt Organizations (RICO). Amends title 18, U.S.C., to prohibit infiltration of the management of legitimate organizations by racketeering activity or by the proceeds of rackeetering activity where interstate or foreign commerce is affected; provides for criminal penalties (including forfeiture of property to the United States) upon conviction of violations of the prohibitions; and provides for civil remedies (e.g., court-ordered divestiture of interest) to prevent and restrain violations of the prohibition provisions.

Title X: Provides for additional sentences for habitual, professional, or organized crime offenders convicted of a Federal offense.

Title XII: Establishes a Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing authorized under the Act, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies--to report within 6 years of establishment.

P.L. 91-508

Title I: Financial Recordkeeping. Requires the maintenance of records by banks, businesses and other U.S. financial institutions where such records would be useful in criminal, tax, or regulatory investigations or proceedings.

Title II: Currency and Foreign Transactions Reporting Act. Among other things, requires any individual involved in exporting or importing monetary instruments exceeding $5,000 to report such transactions to the Secretary of the Treasury. Provides for the seizure and forfeiture of monetary instruments involved in a violation of the reporting requirement. Authorizes the Secretary of the Treasury to make information from the required reports available to any other Federal department or agency upon request.

P.L. 91-513: Comprehensive Drug Abuse Prevention and Control Act of 1970

Title II: Controlled Substances Act. Replaces previous narcotic and dangerous drug contol laws (except those relating to importation and exportation; see Title III) with a single statute and makes certain changes in the substance of these laws, including (1) establishment of five separate schedules for the classification of all narcotics and other dangerous drugs ("controlled substances"), with the extent of regulation of each drug or substance varying according to its assigned schedule (but with distinctions between narcotics and non-narcotics in the two most restrictive schedules); (2) transfer to the Secretary of Health, Education and Welfare of authority to designate the classification of substances proposed to be regulated under the Act, in the absence of control required by treaty in effect upon enactment; (3) extension of existing law's licensing requirements for narcotics manufacturers to apply to manufacturers of all controlled drugs and to all distributors of such drugs; (4) a revision of penalties, among which is one making any first-time simple possession offense a misdemeanor, regardless of the drug involved--and one eliminating all mandatory minimum sentences, except in cases involving a special class of professional criminal (one shown to have been involved in a "continuing criminal enterprise"); (5) provision of possibility of expungement of police record, after satisfactory probation, in the case of a first offender convicted of illegal possession of a narcotic drug or marihuana (such a possibility already existed for other drug offenders); (6) provision for possibility of use of "no-knock" search warrants by law enforcement officers engaged in enforcing the Act; and (7) establishment of a commission to conduct a study of marihuana, and to make recommendations regarding its control. For carrying out functions under Title II, authorizes Justice Department appropriations of $60 million for FY 1972, $70 million for FY 1973, and $90 million for FY 1974. Separately, authorizes annual appropriations of $6 million for specific purpose of increasing Federal narcotics enforcement strength by 300 agents plus support personnel.

Title III: Controlled Substances Import and Export Act. Replaces with a single new provision of law the existing statutes relating to importation and exportation of narcotics and dangerous drugs, conforming to the provisions of Title II; and repeals other revenue laws relating to narcotics and marihuana.

P.L. 92-13

Increases appropriation authorizations for the Commission on Marihuana and Drug Abuse.

P.L. 92-31

Extends the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for an additional year, and establishes an interdepartmental Council of Juvenile Delinquency to coordinate all Federal delinquency control programs. Authorizes appropriations of $75 million for FY 1972.

P.L. 92-73: Department of Agriculture--Environmental and Consumer Protection Appropriations Act, 1972

Contains a provision barring the payment of Federal subsidies to farmers who knowingly allow wild marihuana growing on their land to be harvested.

P.L. 92-129: Selective Service Act Amendments

Contains a provision directing the Armed Forces: to identify drug dependent servicemen and to provide them with treatment; to identify prospective servicemen who are drug or alcohol dependent, refuse them entrance into the Armed Forces, and refer them to civilian treatment facilities; and to report to Congress within 60 days of enactment as to implementation of the provisions and with recommendations for additional legislative action determined necessary "to combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug or alcohol dependent person.

P.L. 92-226: Foreign Assistance Act of 1971

Among other things, authorizes suspension of foreign assistance to countries not cooperating in attempts to curb illegal drug traffic to the U.S., and creates an assistance program designed to encourage international narcotics control*.

P.L. 92-245, 92-246, 92-247

Authorizes U.S. contributions to and participation in the Asian Development Bank, the Inter-American Development Bank, and the International Development Association, respectively. Each contains a provision instructing the U.S. Executive Director for the relevant institution to vote against any loan (or other utilization of the institution's funds) to any country with respect to which the President has made a determination that its government has failed to take adequate steps to prevent narcotics and other dangerous drugs from entering the United States unlawfully or from being sold unlawfully to any U.S. Government personnel or their dependents within the country's jurisdiction.

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* Amended by P.L. 92-352 (State Department appropriations authorizations, 1972) to provide for a specific FY 1973 appropriation authorization of $42,500,000 for the assistance program.

P.L. 92-255: Drug Abuse Office and Treatment Act of 1972

Title II: Establishes an office in the Executive Office of the President--to be called the Special Action Office for Drug Abuse Prevention (SAODAP)--to coordinate and direct Federal drug abuse control efforts related to rehabilitation of drug-dependent persons, education, training, and research; makes specific appropriation authorizations for the new office. Although "drug traffic prevention" functions (law enforcement activities, diplomatic negotiations, and foreign assistance for controlling drug production and traffic) are excluded from the jurisdiction of the Office, provides that the Director of SAODAP may make recommendations to the President in connection with any drug traffic prevention function, and that he shall consult with and be consulted by all agencies involved in such functions regarding their policies, priorities, and objectives. Also specifically provides that the Director shall report, in writing to the President, the conduct of any agency--be it concerned with abuse prevention or traffic prevention--which "substantially impairs the effective conduct" of any other drug function. Further provides that the Attorney General must give prior notice to the SAODAP Director of any scheduling action (addition, removal, or transfer) under the Controlled Substances Act. Specifies June 30, 1975, as the expiration date for the Office.

Title III: Directs the President to develop a "comprehensive, coordinated long-term Federal strategy" for all drug abuse prevention and drug traffic prevention functions conducted, sponsored, or supported by the Federal Government. Requires such strategy to be promulgated initially no later than nine months after enactment of the title. To assist in preparing strategy, directs the President to establish a Strategy Council, consisting at least of the Director of SAODAP, the Attorney General, the Secretaries of HEW, State, and Defense, and the Administrator of Veterans' Affairs. Provides that the strategy must be reviewed, revised as necessary, and promulgated as revised at least once a year.

P.L. 92-293

Authorizes the Attorney General to provide care for narcotic addicts placed on probation, released on parole, or mandatorily released (who are not eligible for handling under the provisions of the Narcotic Addict Rehabiliation Act of 1966).

P.L. 92-381

Extending the Juvenile Delinquency Prevention and Control Act of 1968 for 2 additional years. The Act provides for grants to assist States and communities (agencies outside the juvenile justice system) in furnishing diagnostic, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent--which services may include drug abuse treatment or prevention projects.

P.L. 92-420

Amends the Narcotic Addict Rehabiliation Act of 1966 to increase treatment options available through judicial disposition of addicts--especially to allow methadone maintenance.

P.L. 93-83: Crime Control Act of 1973

Funds the law enforcement assistance program under the Omnibus Crime Control and Safe Streets Act of 1968 for three additional years--authorizing appropriations of $1 billion for fiscal years 1974 and 1975, and $1.25 billion for FY 1976.

Reduces State-local matching requirements from 25 to 10 percent except for Part C construction, and increases to 50 percent the local non-Federal share to be paid by the States for both Part B planning and Part C action grants. Contains a provision specifically requiring States receiving grants for correctional programs to provide "necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, alcoholics, or alcohol abusers." Further contains a Part C amendment referring specifically to "centers for treatment of narcotic addicts" as a possible component of a comprehensive State plan.

P.L. 93-87: Federal-Aid Highway Act of 1973

Authorizes, among other changes, funding of research by public or private agencies, institutions and individuals to explore the relationship between drug use and highway safety.

P.L. 93-189: Foreign Assistance Act of 1973

Authorizes appropriations of $42.5 million for the international narcotics control program established under the Foreign Assistance Act of 1971, for each of fiscal years 1974 and 1975, and contains a requirement that the President transmit to Congress quarterly and semi-annual reports on all aspects of U.S. international narcotics control programs and activities.

P.L. 93-218

Authorizes the disposal of opium from the National Stockpile.

P.L. 93-281: Narcotic Addict Treatment Act of 1974

Amends the Controlled Substances Act to provide for the separate registration of practitioners who use narcotic drugs in the treatment of addicts.

P.L. 93-415: Juvenile Justice and Delinquency Prevention Act of 1974

Replaces and generally expands the programs authorized by the old Juvenile Delinquency Prevention Act. Establishes an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration, to administer a formula grant and contract program of assistance to States and localities for the development of delinquency prevention and control programs (defined as meaning "any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs, the improvement of the juvenile justice system and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent"). Authorizes appropriations of $75 million for FY 1975, $125 million for FY 1976, and $150 million for FY 1977. Creates a Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate Federal juvenile delinquency programs, and creates an Advisory Committee for Juvenile Justice and Delinquency Prevention to recommend policy and management of Federal programs. Establishes a National Institute for Juvenile Justice and Delinquency Prevention to serve as an information clearinghouse and training center. Authorizes the Secretary of HEW to make grants and provide technical assistance to localities and nonprofit private agencies for the development of facilities to serve the needs of runaway youth, outside the justice system--authorizing appropriations for this purpose of $10 million for fiscal years 1975 through 1977. Extends the old Juvenile Delinquency Prevention Act for an additional year.

P.L. 93-481

Authorizes appropriations for enforcement of the Controlled Substances Act by the Drug Enforcement Administration--$105 million for FY 1975, $175 million for FY 1976, and $200 million for FY 1977. Also, repeals the "no-knock" search warrant provision of the Controlled Substances Act, and extends the possibility of parole to all persons convicted of a narcotic or dangerous drug offense under the Federal laws in force prior to enactment of the Controlled Substances Act.

P.L. 93-618: Trade Act of 1974

Among other things, provides for duty-free treatment of any eligible article from any "beneficiary developing country" designated by the President, no country to be so designated if it fails to take adequate steps to cooperate with the U.S. to prevent the unlawful entry into the U.S. of narcotic drugs and other substances controlled under the Controlled Substances Act which are produced, processed or transported in that country. Also requires the President to submit a report at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances are produced, processed, or transported for unlawful entry into the U.S., and requires that the report include a description of the measures taken by these countries to prevent such activities.

Reorganization Plan No. 2 of 1973

Consolidates and entrusts to a single new agency within the Justice Department, to be known as the Drug Enforcement Administration, all Federal activities relating to the prevention of illicit traffic in narcotics and dangerous drugs.

P.L. 94-237: Drug Abuse Office and Treatment Act of 1972, Amendments

Among other things, establishes, on a 3-year basis, an Office of Drug Abuse Policy in the Executive Office of the President, to succeed the defunct Special Action Office for Drug Abuse Prevention in providing coordination and policy formulation for Federal efforts to prevent and control drug abuse. Authorizes $700,000 for FY 1976, $500,000 for the transition, and 2 million for each of FY 1977 and 1978. Specifically authorizes certain research efforts by NIDA, including those that relate to the development of non-addictive substitutes for opium derivatives--with appropriation authorizations of $7 million annually through FY 1978.

P.L. 94-329: International Security Assistance and Arms Export Control Act of 1976

In addition to other matters, extends the "International Narcotics Control" program under the Foreign Assistance Act, for another two years, with appropriation authorizations of $40 million for FY 1976 and $34 million for FY 1977. Provides that no part of the FY 1976 money may go to any country where illegal traffic in opiates has been a significant problem, absent a Presidential determination and certification to Congress that the country is "signficantly reducing the amount of illegal opiates entering the international market." Prohibits participation by any U.S. official in any "direct police arrest action" in a foreign country with respect to narcotics control efforts. Directs the President to make a study of methods through which U.S.-funded narcotics control programs in foreign countries might instead be assisted through international organizations.

P.L. 94-419: Defense Department Appropriations Act, FY 1977

Although the act contains no formal provision, the conference report calls for an end to the random urinalysis testing programs of the armed services, intended for the detection of drug abuse, by October 1, 1976, with funds saved to be redirected to military alcohol abuse programs. The conference committee also agreed that the Department should take "positive steps to make all commanders aware of the fact that participating in a drug or alcohol abuse rehabilitation program is, of itself, not to be considered grounds to deny reenlistment". Moreover, the committee indicated that treatment of civilian employees by the military services should be limited to emergencies and to those places where treatment is unavailable through public and private sources.

P.L. 94-455: Tax Reform Act of 1976

Establishes stricter rules of confidentiality with respect to Federal income tax returns. Has the effect of limiting the circumstances under which the Internal Revenue Service may make information available to other Federal agencies.

P.L. 94-503: Crime Control Act of 1976

Extends the law enforcement assistance program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 for an additional three years and authorizes appropriations of $880 million for FY 1977 and $800 million for each of FY 1978 and 1979 (along with an additional $15 million for each year for a new community anti-crime program authorized by Sec. 103 of the act).

Provides that the Law Enforcement Assistance Administration (LEAA) is under the policy direction and control of the Attorney General.

Provides for participation by State legislatures in the planning process. Requires inclusion in the State Planning Agency (SPA) of a minimum of three judicial members.

Provides for voluntary establishment of judicial planning committees to develop annual State judicial plans, to be approved by SPAs and incorporated into State plans.

Requires SPAs to allocate $50 million annually to such committees and increases Part B planning block grants accordingly. Specifically authorizes Part C funding for programs for stengthening the courts, for preventing crimes against the elderly, for community anti-crime programs, and for early case assessment programs.

Requires that juvenile delinquency programs be allocated 19.15 percent of the total appropriation for LEAA.

Requires specific annual authorizations for Justice Department appropriations beginning Oct. 1, 1978.

Authorizes the use of Part C funds for the "development of programs to identify drug-dependent offenders (including alcoholics, drug addicts, and drug abusers)"; and requires all States to establish "procedures for effective coordination between State planning agencies and single State agencies designated under section (409)(e)(1) of the Drug Abuse Office and Treatment Act of 1972 . . . in responding to the needs" of such offenders.

Requires the Institute of Criminal Justice, in consultation with the National Institute on Drug Abuse, to give research priority to determining the relationship between drug abuse and crime and "to evaluate the success of the various types of drug treatment programs in reducing crime."

Provides for the removal from the Federal civil service system of all upper-level supervisory personnel in the Drug Enforcement Administration (DEA).

S. Res. 578 (94th Cong.)

Urges Federal judges to set more realistic bail for major narcotics law offenders.

H. Res. 1350

Provides for the establishment and funding, during the 94th Congress, of the House Select Committee on Narcotics Abuse and Control, for the purposes of studying and reviewing the problems of narcotics abuse and control.

P.L. 95-92: International Security Assistance and Arms Export Control Act of 1977

Among other things, extends the appropriation authorization for the International Narcotics Control Program under sec. 482 of the Foreign Assistance Act for one additional year (FY 1978), at the level of $39 million.

P.L. 95-115: Juvenile Justice Amendments of 1977

Extends and expands the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations of $150 million in FY 1978, $175 million in FY 1979, and $200 million in FY 1980. Relaxes certain stringent requirements of the Act. Increases appropriation authorizations for the Runaway Youth Act.

P.L. 95-137

Extends appropriation authorizations for the enforcement of the Controlled Substances Act for two additional years, $180 million for FY 1978 and $215 million for FY 1979. Repeals the annual $6 million authorization under section 103 of the Act.

P.L. 95-142: Medicare-Medicaid Anti-Fraud and Abuse Amendments

Contains a number of provisions for the general purpose of preventing fraud and abuse under the Medicare and Medicaid programs, including: stricter penalties, requirement of the suspension of practitioners convicted of criminal offenses, establishment of a uniform reporting system for health facilities, and incentives for establishment of State Medicaid fraud units.

P.L. 95-384: International Security Assistance Act of 1978

Among other things: authorizes appropriations for the International Narcotics Control Program (section 482 of the Foreign Assistance Act) for one additional year (FY 1979), at the level of $40 million. Amends the "Mansfield Amendment" of 1976 to provide specifically that no U.S. officer or employee may interrogate or be present at the interrogation of any U.S. person arrested in any foreign country with respect to narcotics control efforts without the written consent of that person. Also prohibits the use of any funds authorized by the section in any program involving the spraying of a herbicide to eradicate marihuana plants if the use of the herbicide is likely to cause serious harm to the health of persons who may use or consume the sprayed marihuana, but provides further that the prohibition does not apply when the herbicide is used in conjunction with another substance that will provide a clear warning to potential users. Establishes procedures under which the use of a herbicide in a marihuana eradication program funded under the section is to be evaluated by the Department of Agriculture and the Environmental Protection Agency, to ascertain whether the prohibition should be invoked; also requires the Secretary of State to submit a comprehensive report to Congress each year on efforts taken to ensure compliance with the requirements of the herbicide provisions and to prevent the spraying of marihuana with herbicides harmful to humans.

P.L. 95-410: Customs Procedural Reform and Simplication Act

Among other things, amends the Tariff Act of 1930 to increase from $2,500 to $10,000 the maximum value of property (seized in connection with a violation of U.S. customs laws) that is subject to administrative as opposed to judicial forfeiture; makes by reference the same change with respect to all seizures made under the Controlled Substances Act.

P.L. 95-461: Drug Abuse Prevention and Treatment Amendments of 1978

Among other things, extends specific authorization for support of certain areas of research--including the creation, development, and testing of synthetic analgesics, antitussives and other drugs which are (A) non-addictive or (B) less addictive than opium or its derivatives, to replace opium and its derivatives in medical use.

P.L. 95-481: Foreign Assistance and Related Programs Appropriation Act, FY 1978

Contains a provision placing a $3 million ceiling on U.S. contributions, during FY 1978, to the United Nations Fund for Drug Abuse Control.

P.L. 95-537: Contract Services for Drug Dependent Federal Offenders Act of 1978

Transfers from the Justice Department to the Administrative Office of the U.S. Courts the authority to contract for aftercare services for released Federal offenders who are drug dependent, thus consolidating responsibilities for supervisory care for such offenders in a single agency.

P.L. 95-633: Psychotropic Substances Act of 1977

Amends the Controlled Substances Act and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Provides for tighter controls on the manufacture and distribution of the drug phencyclidine (PCP), including increased penalties for illicit trafficking, and places certain restrictions on commerce in the PCP ingredient piperidine. Also provides for seizure and forfeiture of moneys and other negotiable instruments furnished or intended to be furnished in exchange for illicitly transferred controlled substances.

H. Res. 77

Provides for the continuance, during the 95th Congress, of the House Select Committee on Narcotics Abuse and Control.

H. Con. Res. 265

Endorses the Hermosillo Declaration ("on Combating Traffic in Drugs at the International Level", adopted by the seventeenth Mexico-United States Interparliamentary Conference, May 1977) and urges the President to encourage other nations to cooperate in an international effort to eradicate narcotics trafficking and to eliminate illicit production of opium.

P.L. 96-43: Speedy Trial Act Amendments of 1979

Amends the Speedy Trial Act of 1974 to modify a number of requirements, particularly to extend the period, from the time of arraignment, during which a trial must commence. Specifically with respect to offenders who might be subject to the provisions of the Narcotic Addict Rehabilitation Act of 1966, extends the periods of delay that are excluded in computing the time limits for the filing of an information or indictment, and the commencement of trial, to include delay resulting from any proceeding or deferral or prosecution pursuant to that act.

P.L. 96-53: International Development Cooperation Act of 1979

Among other things, requires agencies that plan development assistance programs for countries in which there is illicit narcotics cultivation to give priority consideration to programs that would reduce such cultivation by stimulating broader development opportunities.

P.L. 96-92: International Security Assistance Act of 1979

In addition to other provisions, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. Extends the program through FY 1980, a 1-year extension, authorizing $51.7 million, with $16 million earmarked for the Republic of Colombia. Provides that contributions for the U.N. Fund for Drug Abuse Control may not exceed $3 million or 25 percent of total member-nation contributions. Amends the anti-paraquat provision of 1978 to make clear that it is not intended to jeopardize programs aimed at reducing narcotics traffic.

P.L. 96-132: Department of Justice Appropriation Authorization Act, Fiscal Year 1980

Authorizes appropriations for the Justice Department for FY 1980. For the Drug Enforcement Administration (DEA), authorizes $198.3 million. Amends the Controlled Substances Act (1) to authorize DEA to pay tort claims arising in foreign countries in connection with the agency's operations, such payment to be made in accordance with the Federal Tort Claims Act, and (2) to repeal the requirement that an award of compensation be made to informers in accordance with the customs laws.

P.L. 96-157: Justice System Improvement Act

Amends Title I of the Omnibus Crime Control and Safe Streets Act. Establishe a National Institute of Justice (NIJ) and a Bureau of Justice Statistics (BJS).

Transfers the research operations of the Law Enforcement Assistance Administration (LEAA) to the new NIJ and its statistics operations to the new BJS. Places all three entities--LEAA, NIJ, and BJS--under a new Justice Department agency, the Office of Justice Assistance, Research and Statistics (OJARS). Authorizes $750 million per year for FY 1980 through 1983 for the major assistance activities, education and training, and administration; $25 million for each of these fiscal years for research; $25 million for each year for statistical activities; and $25 million for each year for a community anti-crime program.

P.L. 96-181: Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979

Among other things, transfers to the President the responsibilities of the former Office of Drug Abuse Policy. Expands membership of the Strategy Council on Drug Abuse to include appropriate State and local government officials. Extends specific authorization for the National Institute on Drug Abuse to conduct or support research on designated subjects, including the development of synthetic analgesics, antitussives and other drugs which are non-addictive or less addictive than opium or its derivatives, to replace opium and its derivatives in medical use.

P.L. 96-350

Makes it unlawful for any person on board a U.S. vessel or a vessel subject to U.S. jurisdiction--or for a U.S. citizen on any vessel--to possess, manufacture, distribute, dispense, or unlawfully import a controlled substance. Also makes it unlawful for any person anywhere to possess a controlled substance intending or knowing that it will be unlawfully imported into the United States. Provides for first offense penalties of up to 15 years imprisonment, or a fine of up to $25,00 or both, and of double those maximums for a second or subsequent offense.

P.L. 96-359: Infant Formula Act of 1980

Among other things, contains provisions (1) to increase the maximum penalty for trafficking in marihuana in amounts exceeding 1,000 lbs., to 15 years in prison, or $125,000, or both (double for a second offense); (2) to extend the 1978 amendments to the Controlled Substances Act relating to the commerce in the PCP constituent piperidine; and (3) to direct the Attorney General to make available to the States additional information on the extent of, and on trends in, the abuse of drugs.

P.L. 96-509: Violent Juvenile Crime Control Act of 1980

Title I: Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to include the finding that the justice system should give additional attention to violent crimes committed by juveniles, particularly in the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Repeals declarations of purpose relating to the establishment of training programs and centralized research and information services dealing with juvenile delinquency.

Title II: Amends the Juvenile Justice and Delinquency Prevention Act of 1974, to specify, among other things, that the Office of Juvenile Justice and Delinquency Prevention shall be (1) under the general authority of the Attorney General and (2) under the direction of an Administrator with final authority over specified administrative functions. Provides for a 3-year planning cycle for formula grants. Requires that 5 years after the enactment of the amendments, States receiving funds may no longer detain juveniles in jails or lockups housing adult offenders. Provides for an emphasis on removing juveniles from jails and lockups, on serious juvenile offenders, on the training of personnel to deal with offenders with learning disabilities, on exemplary activities, and on the implementation of juvenile justice standards. Authorizes appropriations of $200 million each year for FY 1981-1984.

P.L. 96-528

Makes appropriations for Agriculture, Rural Development, and Related Agencies programs for FY 1981 and for other purposes. Among other things, prohibits the use of funds appropriated pursuant to the act for making production or other payments to persons or corporations that harvest--for illegal use--marihuana or other prohibited drug-producing plants.

P.L. 96-533: International Security and Development Cooperation Act of 1980

Among other things, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. For FY 1981 authorizes $38.6 million. Makes available certain aircraft, communications equipment and operational support to the Colombian anit-narcotics enforcement program.

H. Res. 13

Provides for the continuance, in the 96th Congress, of the House Select Committee on Narcotics Abuse and Control.

P.L. 97-86: Department of Defense Authorization for Appropriations for FY 1982

Among other things, by way of clarifying the Posse Comitatus statute, authorizes certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specified purposes, including enforcement of the Controlled Substances Act.

P.L. 97-113: International Security and Development Cooperation Act of 1981

Among other things, authorizes appropriations for the International Narcotic Control program under section 482 of the Foreign Assistance Act: $37.7 million for each of the fiscal years 1982 and 1983. Repeals the provision of the act that had prohibited the use of assistance funds for drug crop eradication efforts using an herbicide shown to be harmful to human health; however, requires the Secretary of State to inform the Secretary of Health and Human Services (HHS) of the use or intended use, by any country or international organization, of any herbicide to eradicate marihuana under a program receiving assistance. Further requires the Secretary of HHS to monitor the health impact of the use of marihuana that has been sprayed by an herbicide and to report to Congress any evidence of harmful effects. Allows funds earmarked for Colombia under the FY80 appropriation to be used for marihuana eradication (with paraquat). Urges the President to spend at least $100,000 to develop a substance that clearly warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons. Requires such a substance, if developed, to be used with the herbicide.

Allows funds earmarked for Colombia under the FY80 appropriation to be used for marihuana eradication (with paraquat).

Directs the President to make an annual report to Congress on U.S. policy for establishing an international strategy to prevent narcotics trafficking.

P.L. 97-116: Immigration and Nationality Act Amendments of 1981

Among other things, permits the waiver of simple marihuana possession offenses, involving 30 grams or less, as grounds for deportation of the alien spouse, child, or parent or a United States citizen or permanent resident.

P.L. 97-248: Tax Equity and Fiscal Responsibility Act of 1982

Contains provisions designed to remove impediments to Internal Revenue Service cooperation with other Federal law enforcement agencies. Specifically, decentralizes authority to apply for tax disclosure orders, eliminates "Catch-22" standards for acceptable applications for disclosure orders, and substitutes the United States for individual Federal employees in civil damage actions for unauthorized disclosure of tax information.

H. Res 13

Provides for the continuance, in the 97th Congress, of the House Select Committee on Narcotics Abuse and Control.

P.L. 98-67 (Title II): Caribbean Basin Economic Recovery Act

Authorizes the President to proclaim duty-free treatment for all "eligible articles" from any Caribbean country specifically designated under the act unless that country fails to meet certain enumerated requirements. One requirement is that the country must take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in 21 U.S.C. 812) produced, processed, or transported in such country from entering the U.S. unlawfully.

P.L. 98-151: Further continuing appropriations, FY 1984

Contains a prohibition on the provision of assistance, through programs funded under the Foreign Assistance Appropriations Act as provided for in P.L. 98-377 and P.L. 98-63 and out of funds appropriated under the act, to any country during any three-month period (after October 1, 1983) following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (cultivated, produced, or processed in that country, or transported through it) from being sold illegally within the jurisdiction of such country to U.S. Government personnel or their dependents or from entering the United States unlawfully.

P.L. 98-164: Department of State Authorization Act, FY 1984 and FY 1985

Contains provisions making U.S. assistance to any country that is a major producer of opium, coca, or marihauana contingent on reductions by that country in the levels of such production. Requires the President to submit, annually, a report on U.S. efforts to establish and encourage an international strategy to prevent the illicit cultivation and production of, and traffic in, narcotics and other controlled substances. Specifies that reports shall identify source countries and determine the "maximum reductions in illicit drug production which are achievable" in primary source countries; submission of report is to be followed by consultations between the Administration and Congress on appropriate steps to be taken with respect to delinquent countries.

P.L. 98-236

Amends the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the authorization of appropriations, through FY 1986, for contracts with public or private agencies for the supervision of released drug offenders.

P.L. 98-305: Controlled Substance Registrant Protection Act of 1984

Makes it a Federal crime to rob or burgle a pharmacy or other dispenser (registered under the Federal Controlled Substances Act to manufacture, distribute or dispense the drugs regulated under that statute) of a substance controlled under the Federal Controlled Substances Act *if* (1) the replacement cost of the substance is at least $500, (2) the person committing the offense traveled in interstate or foreign commerce or used any facility in commerce to facilitate the act, or (3) another person was killed or suffered significant bodily injury as a result of the offense. Authorizes penalties of up to 20 years imprisonment or $25,000, or both; where bodily injury occurs, up to 25 years or up to $35,000, or both; where death occurs, up to life imprisonment or $50,000, or both.

P.L. 98-329

Transfers the drug methaqualone from Schedule II to Schedule I under the Controlled Substances Act, thus banning it except for specifically approved experimental purposes.

P.L. 98-411: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985

In addition to making appropriations for the Justice Department for FY 1985, provides that the authorities contained in P.L. 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of the Act or until the effective date of a Department of Justice Appropriation Authorization Act (for FY 1985), whichever is earlier. Also extends exemptions, for the Federal Bureau of Investigation, from certain restrictions on undercover investigative operations, and authorizes their application to similar operations of the Drug Enforcement Administration—requiring from both agencies detailed audits and reports on such operations.

P.L. 98-473 (Title II): Comprehensive Crime Control Act of 1984

Chapter I: Bail. Amends the Bail Reform Act to (1) permit Federal courts to consider the factor of potential danger to the community in determining whether to release an accused individual pending trial (or appeal, if convicted) or, if release is appropriate, in determining the conditions for release and (2) increase penalties for jumping bail.

Chapter II: Sentencing Reform. For development of a more uniform and predictable Federal sentencing system, establishes a sentencing commission to formuate guidelines for use by the courts when determining sentences. Eliminates parole and allows only limited "good time" credits. Requires guidelines to reflect possible effects of sentences on Federal prison capacities. Specifies that departure from guidelines must be explained in writing by the court. Repeals Youth Corrections Act.

Chapter III: Forfeiture. Amends both the Controlled Substances Act and the Racketeering Influenced and Corrupt Organizations Act (RICO). Imposes the sanction of criminal forfeiture for all felony drug offenses. Expands the scope of previously authorized criminal forfeiture sanctions under RICO to include the forfeiture of racketeering activity proceeds. Raises the ceiling (to $100,000) on the value of property subject to administrative forfeiture. Creates two funds from forfeiture proceeds to maintain seized property and to pay for certain law enforcement expenses and in other ways facilitates forfeitures in drug-related and racketeering cases. [See also Chapter XXIII, below.]

Chapter V: Drug Enforcement Admendments.

Part A: Controlled Substance Penalties. Amends both the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) to (1) increase the maximum prison penalties for trafficking in large amounts of an opiate, cocaine, phencyclidine (PCP), or lysergic acid diethylamide (LSD), (2) increase the level of maximum fines that may be imposed as penalties for trafficking in any controlled substance, (3) increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in CSA Schedules I or II (such as LSD and PCP), (4) increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms, (5) permit State and foreign drug convictions to be considered under the enhanced sentencing provisions applying to repeat drug offenders, and (6) create a new offense under the Act of distributing a controlled substance in or on, or within a thousand feet of, "the real property comprising a public or private elementary school," a first offense being subject to double the maximum penalty for a regular trafficking offense and a second offense being subject to a mandatory minimum of three years imprisonment and a life-time maximum. [See also Chapter XXIII, below.]

Part B: Diversion Control Amendments. Amends the Controlled Substances Act to (1) permit the Attorney General to deny an application for practitioner registration if he determines that its issuance would be inconsistent with the public interest, (2) make it easier to revoke or suspend any registration under the CSA (manufacturers, importers, distributors, and practitioners), (3) eliminate some practitioner recordkeeping requirements and tighten others, (4) simplify practitioner registration requirements (allowing a three-year life-span if determined appropriate), (5) clarify the control of isomers, (6) establish new emergency authority for the Attorney General to place under temporary controls any uncontrolled substance not being marketed in the U.S. for medical purposes--including registration, recordkeeping, and criminal sanctions for violation, (7) authorize a program of grants to State and local governments ($6 million a year for FY 1985 and FY 1986) to assist them in suppressing diversion of controlled substances from legitimate medical, scientific and commercial channels, and (8) expand import permit requirements to include the importation of certain non-narcotic Schedule III substances.

Chapter VI. Division I: Justice Assistance. Among other things, provides for Federal funding, through matching block grants to the States, of State and local law enforcement programs "of proven effectiveness or which offer a high probability of improving the functions of the criminal justice system and which focus primarily on violent crime and serious offenders." Specifically indicates drug trafficking as one of the "critical problems of crime" that funded projects may address. Authorizes appropriations of $70 million for FY 1985.

Chapter VI. Division II: Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. Reauthorizes a program of assistance to States for the development of programs to combat juvenile delinquency, and of alternatives to incarceration of juveniles.

Chapter IX: Currency and Foreign Transactions Reporting Act Amendments. Designed principally to prevent the laundering of money by drug traffickers and organized crime figures, (1) prohibits the attempted transport, out of the U.S., of monetary instruments exceeding $10,000 (as well as actual transport, as under previously existing law, the minimum being increased from the previous $5,000) absent the prior filing of a report with the Treasury Department, (2) allows customs officials to search, without a warrant, for unreported amounts of cash brought into or carried out of the country, (3) authorizes rewards to informants providing original information on a major violation of the Act, and (4) increases the penalties and fines for failure to keep the records and file the reports required under the Act.

Chapter X: Miscellaneous Violent Crime Amendments

Part A: Murder-for-Hire and Violent Crimes in Aid of Racketeering. Extends previously existing Federal jurisdiction over contract killings and violence to cover those involving travel in interstate or foreign commerce or using a facility of commerce, and also those committed for anything of pecuniary value received from a "racketeering" enterprise.

Part B. Creates a new offense of soliciting the commission of a violent Federal felony.

Chapter XI: Serious Non-violent Offenses

Part A. Makes it an offense to warn anyone that he or his property is about to be searched by Federal authorities.

Part H. Prohibits the possession of certain contraband articles--including any narcotic drug--by a Federal prison inmate.

Chapter XII: Procedural Amendments

Part A. Prosecution of Certain Juveniles as Adults. Provides for Federal prosecution, as adults, of certain juvenile defendants charged with serious Federal drug offenses or crimes of violence.

Part B. Wiretap Amendments. Authorizes emergency wiretaps without a court order in certain specified situations (including illegal currency transactions and offenses related to victim-witness intimidation).

Chapter XIII. National Narcotics Act

Creates a National Drug Enforcement Policy Board, an interagency council to coordinate Federal drug law enforcement activities, under the chairmanship of the Attorney General. Gives chairman authority to approve budget reprogramming requests of any agency, if drug law enforcement is involved, and allows him to direct the reassignment of personnel, with the concurrence of the head of the agency affected.

Chapter XXIII

Authorizes an alternative sentence of a fine of up to twice the proceeds from a violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Racketeering Influenced and Corrupt Organization chapter of title 18, U.S. Code. Authorizes the proceeds of forfeited property to be placed in a fund for the maintenance of seized property, the purchase of evidence, and the retro-fitting of seized and forfeited conveyances for law enforcement purposes.

P.L. 98-499: Aviation Drug-Trafficking Control Act

Amends the Federal Aviation Act of 1958 to (1) require the mandatory revocation, for up to five years, of the airman certificate of someone convicted of a violation of a State or Federal law relating to controlled substances, and (2) provide for additional penalties for the transportation of controlled substances by aircraft.

P.L. 98-573: Trade and Tariff Act of 1984

Contains amendments to the Tariff Act of 1930 to raise the ceiling (from $10,000 to $100,000) on the value of property subject to administrative forfeiture (unless contested) because of its involvement in a violation of U.S. customs laws and to remove entirely the ceiling in the case of conveyances used to import, export, transport, or store any substance covered by the Controlled Substance Act. Raises (from $250 to $2,500) the amount of the bond required from a claimant who contests such forfeiture and who seeks a judicial hearing and determination. [With the exception of the amount of bond required in contested cases, the provisions are essentially the same as those of Part D of Chapter III of P.L. 98-473, the Comprehensive Crime Control Act of 1984.]

P.L. 98-596: Criminal Fine Enforcement Act of 1984

Amends the Federal criminal code to improve the collection of fines and to increase the maximum fine level for certain offenses.

H. Res. 49

Provides for the continuance, in the 98th Congress, of the House Select Committee on Narcotics Abuse and Control.

BRIEF SUMMARIES OF TREATIES

Single Convention on Narcotic Drugs, 1961

[Entered into force for the United States June 24, 1967]. Replaces previous multilateral international treaties for the control of narcotic drug traffic with a single new instrument, designed to simplify and strengthen the existing machinery of regulation. [TIAS 6298]

1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961

Increases the authority of the International Narcotics Control Board. [26 UST 1439; TIAS 8118]

Convention on Psychotropic Substances

[Entered into force for the United States April 16, 1980]. Provides for the international control of depressant, stimulant, and hallucinogenic substances not subject to the Single Connection on Narcotic Drugs. [TIAS 9725]

U.S. Department of Justice

Drug Enforcement Administration

400 Sixth Street, S.W.
Room 2558
Washington, D.C. 20024

January 16, 1985

Dear Colleague,

The Washington Metropolitan area is unique in that it encompasses the States of Maryland and Virginia as well as the District of Columbia with a number of law enforcement agencies sharing similar crime problems.

Drug trafficking within the same area is a significant issue confronting all police executives. Federal, State, District and local agencies have commited substantial resources to the control of drug abuse and the immobilization of the narcotic underworld.

The coordination of the drug law enforcement effort is vital to the success of this endeavor. It is for this reason that the Drug Enforcement Administration is presenting this proposal for a Metropolitan Intelligence Unit.

The amalgamation of drug intelligence resources into a single unit is the cornerstone of this proposal. The goals of this undertaking will foster greater cooperation, efficiency and impact substantially on the drug traffic.

The effective use of existing human and computer resources at the outset will make the Unit a viable law enforcement entity in a very short time.

I look forward to working with you within the Council of Governments on this proposal. I believe it will provide our citizens with a strong indication of our enhanced coordination of effort and commitment to the welfare of the community.

Sincerely,

Carl Jackson
Special Agent-In-Charge

Attachments

METROPOLITAN INTELLIGENCE UNIT

I. INTRODUCTION:

The police intelligence process in the past ten years has evolved substantially to its present state.

First of all the entire thrust of intelligence collection has been altered immeasurably with the advent of the Freedom of Information Act and parallel court challenges to law enforcement data, collection operations. The assembling of dossiers, often filled with irrelevant information, is for the most part a phenomena of the past.

Also, the organization of information has progressed beyond our wildest expectations. From the day of the index card and shoe box, law enforcement now employs the most sophisticated computer systems. Our ability to place information into a data base; organize and retrieve it almost instantaneously has helped us to keep abreast of the sophisticated criminal of our age.

It is in the latter context that the Metropolitan Intelligence Unit Proposal, outlined in the following paragraphs, is directed.

There is general acceptance among law enforcement in the Greater Washington area that the drug trafficking of all drugs, in particular heroin and PCP, has reached alarming proportions in scope and intensity. Further that the individuals and well-organized groups, operating in the area, move in such a fluid fashion from one jurisdiction to another that no single agency can control the traffic within its boundaries.

There are a number of extremely effective amalgamations of effort in the various drug task forces in the area. But these are case-oriented field enforcement pursuits. The consolidation of information in the various data bases, utilized by the law enforcement agencies involved in the operations, is still accomplished on a case-by-case basis. There is no: central index; computer bank to, or catalyst drug information unit to regularly process all information related to the trafficking of all controlled substances.

The Metropolitan Intelligence Unit (M.I.U.) proposal brings the drug intelligence resources in collection, organization of data, analysis and dissemination together in unified effort to significantly impact on the drug trafficking groups, individuals and their criminal associates, in the Greater Washington area.

II. GOALS:

- Consolidate the drug intelligence resources of the Greater Washington Metropolitan area.
- Coordinate the flow of all available drug-related information, contributed by federal, state and local law enforcement agencies.
- Immobilize major traffickers and organizations through a free exchange of intelligence.
- Provide operational intelligence data to field elements in a timely manner to maximize the enforcement effort.
- Create strategic intelligence products which will regularly assess all aspects of the drug traffic.
- Promote interagency cooperation to avoid duplication of effort and ensure the safety of officers and citizens.

III. CONCEPT:

The Intelligence Cycle method of handling all data relating to: subjects; indexible information such as license plates, aircraft tail number etc; drug substances; groups of traffickers; and special areas of investigative interest such as organized crime, air smuggling, diplomamts, motorcycle gangs, etc will be employed. This will consist of intelligence collection, (mainly performed by the field elements of the agencies); organization of information (computer input); analysis and dissemination.

The Participating Agencies, those who contribute manpower to the unit, agree to channel all available drug-related reporting, exclusive of sensitive internal affairs investigations and similar official misconduct cases into the M.I.U. for processing.

There is also a recognized need to allow other agencies, committed to the drug control effort but with limited resources, to have limited access to the operation. A Subscriber Agency would qualify for this status. This would allow these departments to contribute certain information to the data base and, under certain controls, receive information, necessary to their investigative pursuit.

Information contributed by one agency would not be unilaterally disseminated to another department without the clearance of the originating officer or unit. The integrity of all information in the system would be judiciously protected. Investigative priorities over submitted drug targets could be easily established and monitored by this proposal.

The information processed by the unit would assist agency management in the development of resources, human, logistical and financial.

Strategic intelligence reports will be a regular product of the operation as well.

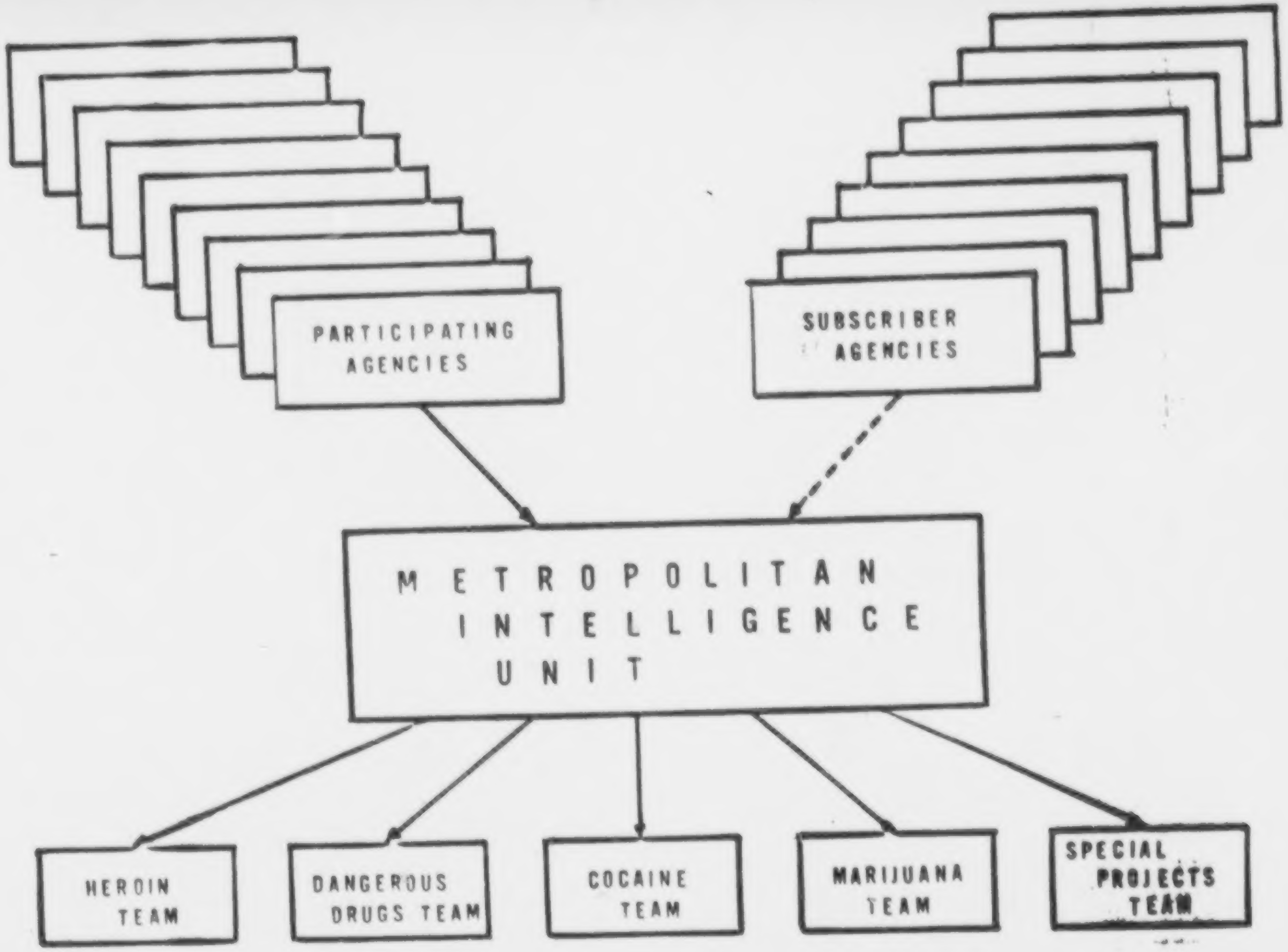
IV. ORGANIZATION:

A. Participating agencies will contribute manpower to the Unit. They will staff the Unit Teams. Each agency representative will function as the conduit for all agency reports to the Unit. The agency representative will also function as the primary geographic or jurisdiction member in the unit.

Participating agencies will have full access to all Unit reports and files.

B. Subscriber agencies will not have representatives assigned to the Unit. They will have a designated point of contact within the Unit.

C. The Unit will be organized in four Drug Teams and one Special Projects Team.


PARTICIPATING AGENCIES
SUBSCRIBER AGENCIES
METROPOLITAN INTELLIGENCE UNIT
HEROIN TEAM
DANGEROUS DRUGS TEAM
COCAINE TEAM
MARIJUANA TEAM
SPECIAL PROJECTS TEAM

V. UNIT TEAMS:

A. Drug Teams: (General)

- Review all drug-related: arrest; investigation; or intelligence reports submitted by each participating agency.
- Organize data relating to: specific drug traffickers; groups; methods of packaging; methods of operation; sources of supply; locations of activity; or other unique aspects of the traffic.
- Assist with data base input.
- Prepare intelligence reports in support of specific operations or cases.
- Produce strategic intelligence reports for: geographic areas; groups; trends; etc.
- Assemble data for quarterly drug assessment summaries.
- Recommend field intelligence collection tasks to agency management.
- Cultivate sources of information.
- Identify intelligence gaps and make resource enhancement recommendations to agency management.
- Analyze drug death and non-fatal overdose data from medical examiners, hospitals, crisis and rehabilitation clinics.
- Disseminate intelligence information to field elements in a timely manner with due regard to the recipients "need to know" and the protection of another agencies "investigative equities".
- Identify major drug trafficking targets.

B. Drug Teams (Specific)

Dangerous Drugs and Cocaine:

- Monitor all precursor and essential chemical control programs.

- Assess clandestine laboratory activity on a regular basis.

Marijuana:

- Assess domestic cultivation in the area.

C. Special Projects Team:

- Computer Data Base management - (Metropolitan Integrated Drug Intelligence System/M.I.D.I.S.)
  - Input of investigative target (suspect) information. attached Form)
  - Organization and data entry of drug specific information submitted by drug teams utilizing "areas of interest", which are defined as:
    - Name
    - Location of activity
    - Drug
    - Case or investigation number
    - Date of arrest or occurence
    - Identifying characteristics of subject
    - Telephone number(s)
    - Associates
    - Vehicles/license numbers
    - Agency involved
- Informant Files Control
  - DEA Cooperating Individual file management (by DEA Group Supervisor)
  - Participating agency informant survey files
  - By agency number only

- Survey forms data input into word processor. (attached)
- Prepare regular reports to participating agency management as to:
    - Informant utilization
    - Informant recruitment needs
    - Informant availability
- Unsatisfactory Informant Files.
    - File maintenance utilizing M.I.U. form (attached)
- Subscriber Agency Coordination
    - Act as a contact point for all data input or dissemination to or from Subscriber agencies.
- Air Smuggling Intelligence Program Management
    - Coordinate the collection of data by pilots and specialized air units of participating agencies.
- Financial Intelligence Program Management
    - Cultivate sources of information in the banking, real estate, etc communities.
    - Review all investigative reports for asset removal potential.
    - Assess need for expert assistance i.e. IRS, FBI, accountants etc.
    - Maintain Liaison with IRS, DEA HQ-,DIFI etc.
- Periodic Report Preparation
    - Assembling and dissemination of quarterly drug assessment summaries.
    - Quarterly drug price list preparation and distribution.
    - M.I.U. Activity Report - monthly and/or quarterly - to

include: manhours; cases/operations supported; intelligence projects; computer entry tabulation; trends; etc.

- Statistics
- Accommulate, analyze and disseminate relevant statistical data.

VI. STAFFING:

Each participating agency will provide manpower, in the person(s) of experienced intelligence officers and clerical support personnel.

The DEA Washington Field Division as a Participating agency, will provide it's Intelligence Group consisting of: a Group Supervisor-Special Agent; two senior special agents; four intelligence analysts; two special agent-pilots; and, one group secretary.

The drug teams will be allocated sufficient M.I.U. intelligence officers to adequately handle the duties outlined with due regard to the priorities established for each drug in the Metropolitan Area. It is anticipated that the major focus of attention at the outset will be heroin investigations, closely followed by dangerous drug in particular PCP cases.

VII. REPORTING:

A. Input

Each participating agency will provide copies of all drug-related arrest, investigative or intelligence reports. An expection to this commitment would be internal affairs/integrity cases or very sensitive political matters.

The reports provided will be screened for geographical or jurisdictional interest. Then they will be routed to the drug team for review and data entry summarizing. An Computer Worksheet (attached) will be prepared by the drug team member.

B. Data Entry - Metropolitan Integrated Drug Intelligence System. Computer Worksheets containing: summary of activities; Areas of Interest; suspect identification; and businesses will be utilized for entry into the DEA Data Base.

Each Area of Interest; Input Agency; Report number and date of preparation are retreivable fields from the computer.

The actual data entry will be effected by trained DEA Intelligence Analysts.

C. All case support; periodic trend assessment and special reports will be prepared from the M.I.D.I.S. data base.

METROPOLITAN INTELLIGENCE UNIT

COMPUTER WORKSHEET

INPUT DATE: SUBJECT: REF (A):

REMARKS:

SOURCE: REPORT # DATED:

AREAS OF INTEREST

DRUG
HEROIN * ___
HEROIN-MEX ___
HEROIN-SWA ___
HEROIN-SEA ___
COCAINE * ___
COCAINE-COL ___
COCAINE-BOL ___
COCAINE-PER ___
MARIJUANA * ___
MARIJUANA-DOM ___
MARIJUANA-JAM ___
MARIJUANA-COL ___
MARIJUANA-MEX ___
HASHISH ___
___ ___
___ ___

DANG/DRUGS * ___
D/D PCP ___
D/D METH ___
D/D STIM ___
D/D DEPRES ___
D/D DIVERT ___
D/D CLAN LAB ___
GEOGRAPHY
WASH DC * ___
WASH DC NW ___
WASH DC NE ___
WASH DC SW ___
WASH DC SE ___
MARYLAND * ___
PG CTY ___
MONT CTY ___
MD___ ___

MD___ ___
VIRGINIA * ___
FAIRFAX CTY ___
ARLINGTON ___
ALEXANDRIA ___
LOUDON CTY ___
PR WM CTY ___
VA___ ___
VA___ ___
W.VIRGINIA ___
DOMESTIC ___
FOREIGN ___
GROUPS
WHITE ___
BLACK ___
NIGERIAN ___
___ ___

MID EAST * ___
TURK ___
PAKISTAN ___
IRANIAN ___
LEBANESE ___
HISPANIC * ___
COLOMBIA ___
BOLIVIA ___
CUBAN ___
MEXICAN ___
PERUVIAN ___
ORIENTAL * ___
CHINESE ___
THAI ___
VIETNAMESE ___
___ ___
___ ___

SPECIAL
DIPLOMATS ___
CORRUPT OFF ___
MILITARY ___
ENTERTAIN ___
OTHER___ ___
M/C GANG * ___
PHANTOMS ___
PAGANS ___
RENEGADES ___
AIR SMUGGLING ___
VSL SMUGGLING ___
FINANCIAL ___
INTERDICTION ___
ARREST ___
___ ___
___ ___

* * *

INPUT AGENCY
DEA (A) ___
EPI (B) ___
MD ST POL (C) ___
FBI (D) ___
PG CO (E) ___

MONT CO (F) ___
VA ST POL (G) ___
FAIRFAX CO (H) ___
ARLINGTON (I) ___
___ (J) ___

___ (K) ___
___ (L) ___
___ (M) ___
___ (N) ___
___ (O) ___

___ (P) ___
___ (Q) ___
___ (R) ___
___ (S) ___
___ (T) ___

* * * * * SUSPECTS * * * * *

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

PERSON: ________________ PHONE: ___-___-____/___
STREET: ________________ CITY: ________________ ST: ___ CNTRY: ___
NADDIS #: ______ ______ MISC: DOB: MIU:

* * * * * BUSINESS/ORGANIZATION * * * * *

BUSINESS: ________________ PERSON: ________________
PHONE: ___-___-____/___ STR: ________________ CITY: ________________
ST: ___ CNTRY: ___ NADDIS #: ______ ______ MISC: ________________

BUSINESS: ________________ PERSON: ________________
PHONE: ___-___-____/___ STR: ________________ CITY: ________________
ST: ___ CNTRY: ___ NADDIS #: ______ ______ MISC: ________________

BUSINESS: ________________ PERSON: ________________
PHONE: ___-___-____/___ STR: ________________ CITY: ________________
ST: ___ CNTRY: ___ NADDIS #: ______ ______ MISC: ________________

VIII. FILING:

A. Agency input reports will be filed separately. They will be arranged in the order of receipt for easy retreival.

B. M.I.U. intelligence products/reports will be filed in chronological order based on the completion date.

C. Informant Files

1. DEA informant files will be controlled by the DEA Supervisor.
2. Participating agency informant files will contain only the Informant Survey Worksheet unless additional data is contributed.
3. Unsatisfactory Informant Worksheets will be separately with access regulated by the Unit.

WASHINGTON DIVISION CI SURVEY

CI# ____________________

DATE OF REVIEW ____________

I. Heroin - a. Brown ____
b. SWA ____
c. SEA ____

II. Cocaine ____

III. Marijuana
a. Domestic ____
b. Jamaica ____
c. Columbia ____
d. Mexico ____

IV. Dangerous Drugs ____
a. PCP ____
b. Methamphetamine ____
c. Stimulants ____
d. Depressants ____
e. Diverted ____
f. Clandes Lab ____

V. Geographic Areas - Dealers ____
a. Inner City DC ____
b. P.G. Co. ____
c. Mont. Co. ____
d. Arlington Co. ____
e. Fairfax Co. ____
f. Alexandria ____
g. Other ____

VI. Dealer/Trafficker Groups ____
a. Black ____
b. Nigerian ____
c. Turkish ____
d. Pakistani ____
e. Afghan ____
f. Iranian ____
g. Lebanese ____
h. Indian ____
I. Other MidEast ____
J. Colombian ____
K. Bolivian ____
L. Cuban ____
M. Bolivian ____
N. Mexican ____
O. Other Hispanic ____
P. Chinese ____
Q. Vietnamese ____
R. Other Oriental ____
S. Misc Groups ____

VII. Special Groups ____
a. Diplomats ____
b. Corrupt-Officials ____
c. Military ____
d. Entertainment ____
e. Others ____

VIII. Motorcycle Gangs ____
a. Phantoms ____
b. Pagans ____
c. Renegades ____
d. Others ____

IX. Air Smuggling ____

X. Vessel Smuggling ____

XI. Financial ____

M.I.U. QUESTIONABLE INFORMANT WORKSHEET

DATE REPORTED	REPORTING AGENCY

NAME:	FBI# STATE# LOCAL#
ALIAS:	OTHER:

SEX:	RACE:	AGE/DOB:	HEIGHT:	WEIGHT:	HAIR:	EYES:

REPORTING PURPOSE:

☐ UNSATISFACTORY

REASON:

REPORTING OFFICER/AGENT ____________________

IX. DISSEMINATION OF INFORMATION:

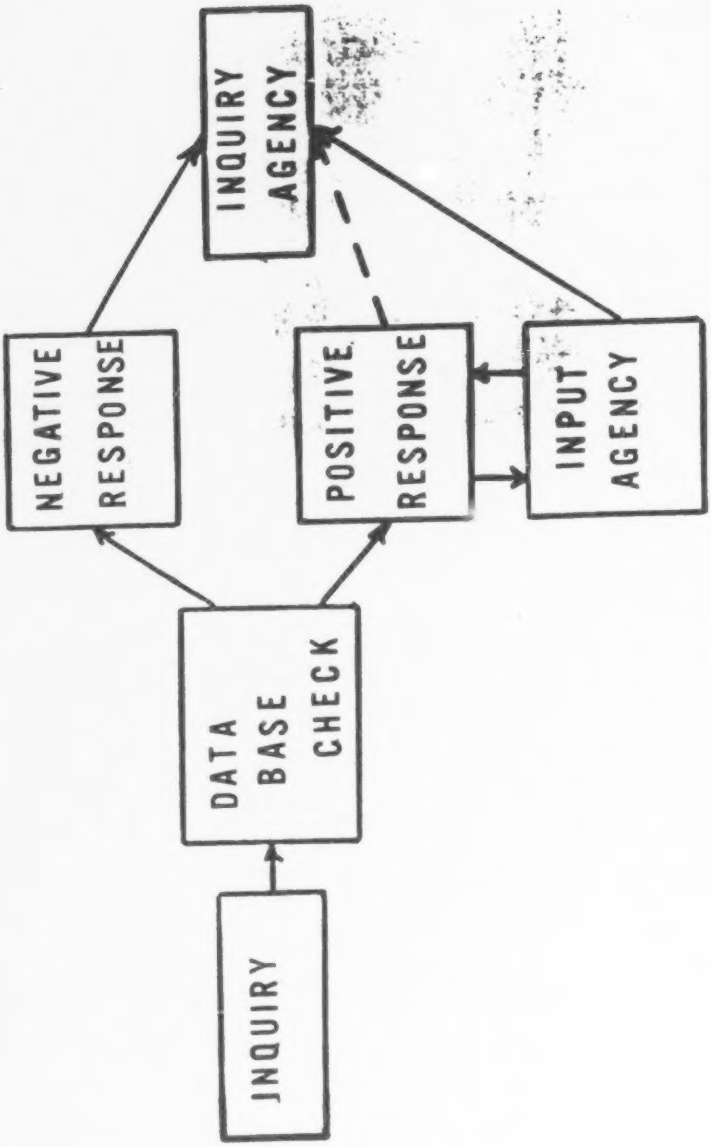
A. Inquiries by participating and subscriber agencies will be processed expeditiously. Due regard will be given to agencies with on-going investigations.

B. Data requested by participating agencies will be distributed by the respective M.I.U. agency representative.

C. Information requested by subscriber agencies will be handled by a designated member of the Special Projects Team.

D. The inquiry process will follow a prescribed procedure. (Chart)

1. The M.I.D.I.S. data base will be queried.
2. If a "hit" or positive response is received then the agency making the input will be contacted to determine the current status of the case. Then the two interested agencies will be advised of the other's investigative pursuit. The coordination of any further operational activity will be handled on a bi-lateral basis.
3. Negative data base responses will dictate an immediate notification to the inquiring agency.


INQUIRY
DATA BASE CHECK
NEGATIVE RESPONSE
POSITIVE RESPONSE
INPUT AGENCY
INQUIRY AGENCY

X. RECOMMENDATIONS:

1. Prospective participating and subscriber agencies appoint mid-level managers to form a working group. The working group will be tasked to formalize the M.I.U. Proposal and report the results of their deliberations to the agency executives within forty-five days.

2. The participating and subscriber agency heads or their command designees form an M.I.U. executive council, which will meet at least quarterly, to decide on policy issues affecting the operation of the unit and resolve any disputes or difficulties.

3. Drafted by - laws governing: the operation; handling and dissemination of information; and other activities affecting the unit.

PCP ABUSE EVALUATION AND MANAGEMENT PROGRAM

J. Theodore Brown, Jr., Ph.D.
Department of Psychiatry
D.C. General Hosptial

JUNE, 1985

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ACKNOWLEDGEMENT

My appreciation to Dr. George Hall, Chairman of the Department of Psychiatry, D.C. General Hospital and the members of the Drug Detoxification Committee for their editorial comments pertaining to this proposal.

INTRODUCTION

This proposal describes a comprehensive Phencyclidine (PCP) Abuse Evaluation and Management Program. The District of Columbia General Hospital (DCGH) proposes to provide a ten (10) bed inpatient PCP drug treatment program for patients 17 years and older and a twenty (20) bed inpatient PCP drug treatment program for adolescents 17 years and younger. The term PCP abuse is used throughout this proposal to refer to PCP related symptoms which may include: hallucinations, agitation, aggression, and self-destructive behavior, as well as depression and flashbacks. Major symptoms which are considered to be definitive causes for hospitalization are; coma, cardiovascular disorders, seizures, delirium, violence and suicide.

Appropriate treatment of these symptoms require a careful and comprehensive evaluation for a full range of medical and psychiatric interventions in order to differentiate from a number of other medical and psychiatric diagnoses. Frequently, there are a combination of emotional, medical and drug-related etiologies, which must be addressed.[1,2]

During the first week of hospitalization, a very structured, intensive and secure psychiatric/medical environment must be maintained. One-to-one nursing is necessary 24 hours a day for the first 3-5 days of treatment. Ongoing medical/surgical treatment may be necessary by specialized hospital staff for patients who have injured themselves during the PCP psychotic episode. A firm diagnosis is made possible through further clinical evaluations and laboratory testing. Psychiatric intervention by mileau therapy, chemotherapy and supportive psycho-therapy is an essential part of the patients' treatment plan.[2,3,4,5]

During the next phase, the patient achieves partial stabilization. Professional hospital staff through individualized treatment planning and a rehabilitative program will re-orient the patient toward a drug free life style. The treatment programs will provide the patient with the support of other motivated peers in a setting which helps protect the patient from the pressures of the drug culture. Neuro-psychological testing and observation will take place during this phase, which will support individualized treatment plans directed at specific needs of each patient. Family therapy will also be initiated through family member participation on the unit to learn along with their relative, and to participate in group sessions that are aimed at preparing the family to maintain a drug free attitude.[9] The social worker will evaluate social and financial needs and initiate these program arrangements which have frequently been neglected by the PCP abuser and/or their family. Community resource groups and self-help groups will be invited to participate in the treatment program to involve and link the patient to his community by bridging the gap after discharge.[9,15]

After 5-28 days, a majority of the patients will sufficiently recover from their PCP psychosis. Most of the medical and crisis problems will be resolved and patients will be discharged to planned placement programs within the community, home or to other residencies. A small portion of the patients may need to be referred for long term psychiatric treatment elsewhere.[7,13]

This proposal presents a detailed description of the PCP psychosis evaluation and management program, staffing requirements, resources, and services that are necessary to effectively treat the PCP abuser during the acute PCP psychotic illness.

PURPOSE

The purpose of this proposal is to request funding to develop a program specifically designed to provide evaluation and management to PCP abusers in the District of Columbia who will require hospitalization.

INCIDENCE AND PREVALENCE

The District of Columbia Department of Human Services, the Alcohol/Drug Abuse Services Administration (ADASA), the District of Columbia General Hospital and other agencies in the City have had sufficient experience to determine that the problem of PCP-related incidences is in epidemic proportions. It is anticipated that this level will be even more evident as we apply a more sophisticated means of analysis.[2,8]

The following reports from varied sources reflects this situation:

- The Drug Abuse Indicators Trend Report for the District of Columbia[17] revealed that emergency incidents involving PCP increased from 179 in 1981 to 292 in 1982, to 535 in 1983 to 965 in 1984. Over this period, the number of emergency room incidents have more than tripled.
- The Washington Area Council on Alcoholism and Drug Abuse (WACADA) stressed that over a six month period (from December, 1983 to May, 1984), PCP-related incidences have increased from the fifth position to the number one drug problem on their Hotline. This exceeds those for heroin, methadone, dilaudid, amphetamine, preludin and marijuana combined.

From March, 1984 through June, 1984 the pre-trial service agency drug detection center conducted 3,375 urine tests to include a PCP screen. Thirty-two percent of these tests were positive for PCP use. In addition, 54 percent of D.C. residents arrested between March, 1984 and 1985 were positive for PCP.

In 1983, PCP was confirmed in 32 homicides, 5 suicides, 6 auto deaths and 4 drownings. Of these 49 cases, over 80% were 25 years old or younger. It is estimated that there will be 170 deaths in 1985.

- The Crisis Resolution Unit (CRU) of the Mental Health Administration, Department of Human Resources provides assistance to persons in need of emergency mental health services. From February 1, to April 30, 1984, the CRU gave help to 132 persons. Of this, 104 or 80% were PCP-related in nature.

PCP's acute effects are quite variable but seems to be proportionately related to doses (the higher the dose, the more severe the reaction). Taken in low dosages, one typically gets a sensation of being "high", with mild distortion of perception, feeling "spacey" or "floating", a loss of inhibition, and some sedation. A slightly higher dose will often cause a PCP intoxication with enhancement of the above symptoms as well as degrees of confusion and loss of memory, judgement, and cognitive abilities. Higher dosages tend to cause a delirium with agitation, disturbance of sleep, some paranoia, delusions, and bizarre and violent behavior. Still higher dosages can produce an overt psychotic state and can closely resemble schizophrenia, catatonia, or mania as well as appearing as if it were a more typical drug induced psychosis. These higher dosages can also cause death.[1,2,8,10]

The resolution of a PCP altered mental state can also vary. It can be resolved in hours, days, or months, or may never be resolved. A patient will typically proceed roughly backwards through the mental status listed in the prior paragraph as the PCP washes out of his/her brain. An example would be: catatonia to paranoid psychosis; to an agitated delusional state with confusion; to simple confusion; to normality. A patient's recovery, however, can vary with symptoms and signs lessening and worsening a number of times. This can resemble an LSD "flashback"! Recovery can also be incomplete with residual organic brain damage.[11] There are an increasing number of recent reports of people with a PCP episode not getting well and subsequently being diagnosed as schizophrenic.[1,4,10]

BACKGROUND AND NATURE OF THE PCP ABUSER IN THE DISTRICT

Since the early 1970's, the District of Columbia has been designated as the "PCP capital of the world".[12,13] Phenycyclohexyl piperidine HCL (PCP) was originally produced in the 1940's under the trade name Sernylan to be used as an anesthetic for humans and is one of the primary drugs of abuse in the Washington Metropolitan area.[1,10] However, because of the bizzare hallucinatory effects of the drug, it was banned for use with humans in the mid-1960's. Presently, PCP is illegally, easily, and very cheaply produced and sold under a variety of names (i.e., angel dust, crystal, lovely, natural, hog, etc.).[1,10] The drug is swallowed, snorted, smoked or injected in order to achieve its effect which ranges from catatonic-like depression to psychotic excitation. Also, the PCP abuser is unpredictably dangerous to himself and/or others. The drug often causes, precipitates, exacerbates, and/or prolongs significant psychotic episodes which are also unpredictable.[1,7,10]

The diagnosis, management and prognosis for PCP abuse can be complicated not only because the patient may exhibit psychiatric symptoms ranging from muteness to psychotic aggression, but also because the drug is frequently abused among a psychiatric population (i.e., present or former mental patients, delinquents, criminals, and others) who have a background and/or pre-disposition for a mental disturbance.[2,10,13] Questions such as whether or not the patient is suffering from PCP or schizophrenia; which one came first; how long will the symptoms last; will there be flashbacks; are often unanswerable or unclear. What is clear is that PCP abusers are usually young and poor, and from troubled backgrounds and families. They are also multiple drug abusers with psychiatric and/or criminal records who are an unpredictable danger to themselves and others. They have suicidal or self-mutilation and destructive tendencies.[10,13] The significance of PCP youth abuse is heightened since the average age of a PCP abuser is 17. Both males and females are equally exposed. With this early age for PCP abuse, the consequences for the youth, their families, communities and their offspring are unpredictable and most likely bad. The PCP abuser is different from other drug abusers and therefore requires unique treatment considerations.[1,10,13,14]

THE PCP ABUSER PROFILE IN THE DISTRICT OF COLUMBIA

PCP psychosis and the population it represents are different from any other psychiatric and drug problem. The PCP psychotic represents the worst of both psychiatric and drug dependent patients. In addition to the effects of PCP, as previously described, the PCP psychotic is usually:

1. Young and poor (17 years is the average age).
2. A multiple drug abuser.
3. Violent and/or self destructive.
4. Often has an overt or covert mental disorder.[7,8,13]

Unlike drugs such as heroin, alcohol, or cocaine for which detoxification and discontinued use will usually resolve any abnormal symptoms associated with usage, the psychiatric consequences of using PCP even once can be long lasting, permanent and unpredictable.[8,11,13] The fact that PCP abuse affects so many youths is of major concern to us and therefore our program will emphasize services to that segment of the population.

PRESENT TREATMENT OF PCP ABUSERS

At present, in the District of Columbia, there are no public facilities to treat PCP drug abuse inpatients. For a PCP abuser who is having an acute toxic reaction or PCP precipitated psychosis, as a result of chronic use, the options for receiving treatment are as follows:[7]

(1) No treatment

(2) Self treatment

(3) Treatment administered by friends

(4) Inadequate treatment at a general hospital or some other facility

(5) Treatment in a psychiatric hospital

(6) Treatment in a drug program, or

(7) Arrested and detained in jail or prison[6,7]

THE PROGRAM

The District of Columbia proposes to establish a comprehensive PCP Abuse Evaluation and Management Program for District of Columbia youths and other residents who are PCP abusers. The program will be the only public facility in the District of Columbia specifically designed, staffed, and equipped to manage PCP abusers.[6,7]

Youth and adult PCP patients will be serviced on separate units since each age group will require different services for proper management. The adolescent unit will require different medical surveillance and care and it is anticipated that the pediatricians will primarily provide the medical care for this unit. Different therapeutic and rehabilitative activities are also required of children (i.e., school as opposed to vocation placement and development of employable skills). There will also be a different psychological, diagnostic and psycho-therapy protocol for treatment. Staffing and behavior management criteria will differ between the two patient groups. Children may have to be stratified (i.e., 8-12, 13-18).[13]

The program proposes to provide comprehensive management to District of Columbia youth and adult residents seven days a week, 24 hours a day, specifically for PCP abuse. These services will be provided by selected personnel and will be supported by medical, mental health and other professional staff. Resources will include 20 adolescent beds and 10 adult inpatient beds.

Services will include psychiatric, psychological, medical, surgical, nursing and social services as well as drug detoxification.

PROGRAM OBJECTIVES

The District of Columbia General Hospital PCP Program Objectives will be:

(1) To prevent and significantly reduce the incidence of PCP abuse among District of Columbia youth and adult residents.

(2) To provide a comprehensive and effective evaluation and management program for acute PCP abusers, their families, and the District of Columbia communities. The program will emphasize quality care to youth and adult patients; inspire confidence in their family and community in order to reduce the repeated use of the substance PCP.

(3) To develop a public evaluation and management program specifically designed, staffed, and managed to provide services to the PCP abuser. The program will not only be unique for its management protocol and depth of services but should also yield significant clinical research data on PCP abuse.

APPROACH TO THE PROBLEM

The psychiatry and medical staff at D.C. General Hospital have had significant experience in diagnosing and treating PCP abusers and their psychosis.[8] We believe that District of Columbia hospital professionals have the experience to best serve PCP abuse patients who commonly present with multiple psychiatric, medical and social problems.[10,13] We should be prepared to service PCP abusers in the District who do not have health insurance or can not afford to pay. It is our mandate to serve this population.[6,7,8]

In addition to primary medical diagnosis and management, the program will emphasize intense psycho-therapy, education, social, medical/surgical support services and program evaluation on an on-going basis. Of major significance will be a drug education program for adolescents and adults. This program will have an outreach component and involve didactic films on the hazards of PCP abuse. Most important will be the effort to provide social and psycho-therapeutic support to the potential abuser and their families as an effort to prevent and/or arrest PCP abuse.[9,15] Careful measurement and evaluation of treatment effectiveness will insure the success of PCP treatment.

PROGRAM PHILOSOPHY

Prevention and control of PCP abuse will preserve life and the future of our youth. Unlike most other substances of abuse, we believe that every contact with PCP is an imminent threat to the life of the patient and/or a potential victim of the PCP psychotic episode. At the very least, the quality of life is less predictable after PCP abuse.[13,14] We will make every effort to provide the PCP psychotic patient with every service consideration that this unique form of drug abuse deserves. In short, our guiding philosophy is the prevention of PCP use and the preservation and promotion of a good drug free life.

PROGRAM SERVICES

The following services will be provided as part of the PCP Abuse Program:

(1) Outreach Prevention
(2) Laboratory Tests and Surveillance
(3) Medical Evaluation and Emergency Management Procedures
(4) Inpatient Evaluation and Management for PCP
(5) Social Work Evaluation and Counseling
(6) Referral Service to Mental Health and Other Drug Services
(7) Training Consultation to Other Professionals,
(8) Neuro-Psychological Follow-Up Assessment
(9) Aftercare and Follow-Up

SOURCE OF REFERRAL

Sources of referrals will be: self, family, intra/inter hospital transfers, police, court, ADASA, and other D.C. Government and community agencies, to include the Department of Human Services, Mental Health Services, schools, churches, social services, drug programs and private practitioners.

ENTRANCE

All candidates for admission who enter through the DCGH Emergency Care Center or Pediatric (Youth) Emergency Center will be seen initially for appropriate medical evaluation and screening.

MEDICAL EVALUATION AND TREATMENT

The site which will house the proposed program will be equipped and staffed to accommodate medical/surgical emergencies and will have an experienced staff for medical and intensive care management. More than any other substance of abuse, the PCP abuser requires medical/surgical care as direct or indirect consequence of abusing the drug. Some direct medical problems which may result are: respiratory depression, cardiac arrest, coma, convulsive seizures, hypertension and tachycardia.[1,10,13]

Indirect problems that require medical/surgical attention are: broken bones, cuts, ingestion of foreign objects, attempted suicides, drowning, auto accidents, etc.[13] Another category of indirect problems are those which are inflicted on the abuser by someone whom they may have aggravated, or attempting to defend themselves and/or the police. These injuries are often in the form of stab cuts, gunshot wounds, concussions, broken bones, etc.[1] The PCP abuser will often require service on a medical or surgical intensive care unit as well as in the emergency room. A thorough medical examination will be conducted on all patients and each patient will be monitored for any signs of physical and psychological distress throughout their stay in the hospital.

EMERGENCY ADMISSION PROCEDURES

Patients who present to our emergency room with PCP psychosis and who have destructive and self destructive tendencies will be:

(1) Restrained with sheets or padded leather restraints to prevent the patient from harming himself or others;

(2) Receive laboratory analysis (i.e., blood, urine, splina, hair, etc.).

(3) Receive medical and/or surgical evaluation which will be conducted by emergency room staff. Consultation and referral for further medical/surgical treatment will also be made (i.e., intensive care or surgery);

(4) Given the appropriate psychiatric medications which will be administered to ameliorate patients immediate psychotic symptoms (i.e., Valium, Haldol, Morazine etc.);

(5) Family and friends will be contacted to obtain necessary background information for more accurate diagnosis.

CRITERIA FOR ADMISSION

Major symptoms which are considered to be definite criteria for admission are:

(1) Coma;

(2) Catatonic Syndrome - rigidity, staring, psycho-social withdrawal, excitement or stupor;

(3) Toxic Psychosis - hallucinations or delusions;

(4) Delirium - disorientation, confusion, inappropriate affect, memory impairment, alteration in level of consciousness or sleep/wake cycle;

(5) Violence - threatening or combative behavior, agitation, homicidal or suicidal impulses, self destructive behavior, assaultive to others.

TYPES OF ADMISSION

A. Emergency

All individuals seen in the Emergency Care Centers (ECC) and who are determined to be in need of urgent medical/surgical care, will be admitted to the appropriate medical unit by order of the medical officer in charge of the ECC or his licensed delegate.

B. Voluntary

All individuals seen in the DCGH Emergency Care Centers who are recommended for admission by housestaff, and who wish to sign-in voluntarily, will be allowed to do so.

C. Involuntary

This applies to those individuals who are recommended for admission to the Unit by the housestaff and who are unwilling to sign-in voluntarily. An application for admission, under the provisions of Title 21 521, D.C. Code, to DCGH will be signed by the medical officer in charge (MOIC) in the Emergency Care Center or his licensed delegate. These category of individuals will then be examined by a psychiatrist or qualified psychologist on the Unit in accordance with the requirements of the D.C. Code for involuntary admission.

D. Intra-Hospital

This applies to those individuals who have already been admitted to DCGH medical units and are now referred for admission to this Unit. All individuals who are recommended to the Unit will be requested to sign-in voluntarily. If they are unwilling to sign-in, the procedure for involuntary admission will be followed. The Chairperson, Department of Psychiatry, or his licensed delegate will initiate this procedure by signing the application.

E. Court

This applies to those individuals ordered to the Unit by the Superior Court. Upon receipt of a copy of the Court order, the individual will proceed to the Emergency Care Center for medical screening and then brought to the Unit. Court ordered cases should not exceed 25% of the bed capacity.

INPATIENT EVALUATION AND MANAGEMENT

The proposed site will require an area for intensive care in the Youth Division. This will include four beds for the acute detoxification phase of those individuals with major symptoms especially coma, hypertensive crises, temperature elevated at 104° or above, psychosis, and/or physical injuries necessitating surgical support systems.

The Unit's primary concern will be to protect the patient and staff from injury. Therefore, caution and control will be exercised upon initial contact with the PCP patient by unit staff. Patients will be managed as potentially violent and self destructive, and will be carefully restrained while believed to be under the active influence of PCP.

Inpatient treatment will include:

(1) A toxicology screen which will be performed immediately;

(2) Appropriate medical/surgical evaluation and treatment;

(3) Psychiatric evaluation of the patient's mental status;

(4) An interview and observation of behavior;

(5) An assessment to include family background information for treatment effectiveness;

(6) Stabilizing of the patient and administering a drug intake questionnaire and a battery of neuro/psych testing which will be performed as standard procedure on all patients;

(7) An assessment and evaluation by the Unit's physician, social worker and the legal counselor to obtain a medical and social history and legal implications associated with the abuse;

(8) A management plan which will be developed for each patient based upon overall professional assessment and evaluation results;

(9) A nurse/patient ratio which will be maintained at 1 to 1, until stabilization;

(10) A daily assessment of each patient which will comprise a rating of the number and extent of PCP related, and psychiatric symptoms they may manifest.

Primary management for PCP consists of:

(1) Making sure that a patient cannot harm himself and/or others through the use of restraints, isolation, calm atmosphere and medication;

(2) Eliminating the substance from his system; perhaps requiring the use of acidification and/or gastric suction;

(3) Stabilizing the patient through passage of time and excretion of substance;

(4) Introducing the patient to a drug free therapeutic environment;

(5) Providing the patient with linkage to an appropriate outpatient program.

Given the unpredictable consequence of using PCP even once, the best form of care is to prevent any contact with the substance.

The next most strategic form of intervention is to foster abstinence from future use. It is this latter approach that the program will emphasize. Our psychiatric staff will not only monitor the patients to which they are assigned, but will also serve as models in appearance and manner. Courtesy, concern and professional care will be the hallmarks of the treatment program.

The Unit will be designed and managed to emphasize tranquility and facilitate with minimal adversity the stabilization of the patient. Until stabilization, all patients will be restricted in one of the aforementioned manners. All staff will undergo special training for managing the violent and combative patient to minimize injury to both patients and staff.

The length of stay is expected to range from 7-28 days. The average length of stay will be 21 days. Each patient will have peer-group clinical sessions, family therapy group sessions, if possible, and individual therapy sessions with the program psychiatrist or psychologist. There will also be film strips, video slides and photographs of PCP abuses. The patient will be educated to the adversive consequences of PCP abuse when they are stable, since they usually have a very vague recollection of their own negative experiences. Seclusion rooms will be monitored by video camera. The psychiatry staff will make rounds daily on patients and a medical evaluation will similarly be conducted by the unit physician. Subsequent to discharge, patients requiring detoxification from other substances will also receive appropriate detoxification. All patients will have basic identification information, test and program evaluation data compiled in a clinical summary, to be logged under a special key in the unit file.

LABORATORY TESTS, BLOOD AND URINE SURVEILLANCE

Because of the peculiar effects of PCP, it is difficult to detect without having a special protocol, lab personnel and equipment (see laboratory appendices). The lab analyses is considered the foundation of the program and the major determinant of providing quality care.[2]

Blood and urine surveillance will be required. Blood and urine specimens from all patients shall be analyzed initially upon admission and periodically for opiates, methadone, amphetamines, and barbiturates as well as other non-prescribed drugs. Specimen collection will be done in a supervised manner, minimizing the opportunity for patient deceptions. The laboratory conducting the urine analysis will comply with Federal and District standards. The lab testing is essential to diagnosis, and to monitor the patient's progress towards his goal of drug abstinence. This information will be recorded on the patient's chart and will be a part of his individualized treatment plan. Laboratory facilities will be expanded here at DCGH to provide screening and state of the art tests for PCP and other drug use.[2,10,16]

DISCHARGE

Patient will not be discharged from the Unit until they have received medical, psychiatric, and legal clearance. Patients will receive discharge physicals in addition to any medical treatment indicated. Discharge planning, psychological testing, psychiatric and legal evaluation will be conducted prior to clearance for discharge. Patients will be requested to complete a treatment evaluation form. All patients will be encouraged to participate in the "alumni and outreach" programs.

Voluntary patients who sign out against medical advice and leave the program prior to meeting standards for medical and psychiatric clearance will:

(1) be counseled as to the hazards and risks associated with their decision.

(2) Their families will be contacted and made aware of the circumstances of their discharge.

(3) be required to sign a form indicating their refusal to complete treatment and that they are leaving against medical advice. Youths who sign out against medical advice will be instructed that staff will inform their family or guardian about their decision, if possible. Patients who were referred by the court will be discharged under whatever condition established by the court in addition to medical/psychiatric standards (i.e., discharge to another drug treatment facility, to a detention facility, group home, etc.).

(4) Referred to the Court for a determination of discharge.

OUTREACH PREVENTION AND AFTERCARE FOLLOW-UP

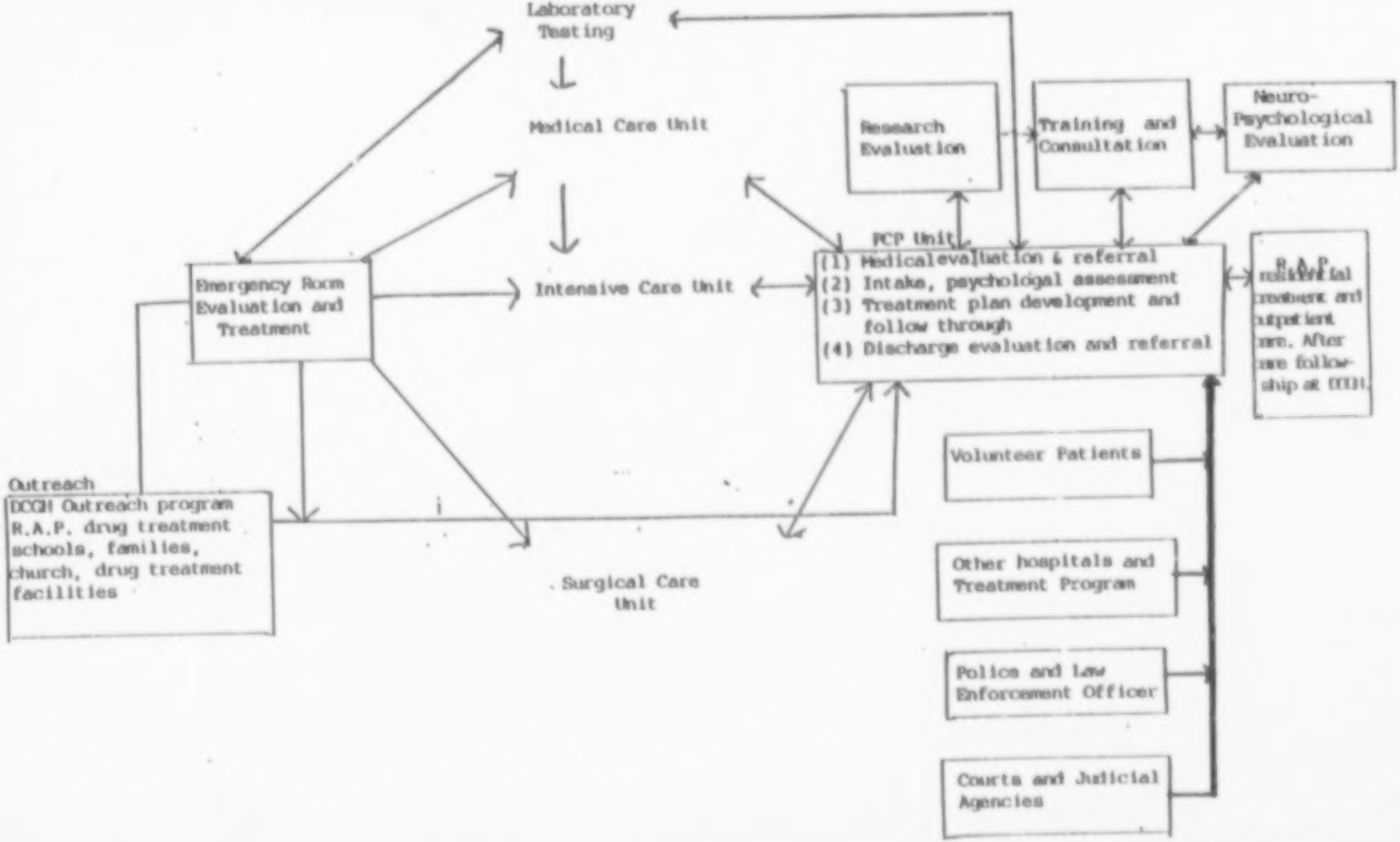
In cooperation with community drug programs, churches, Department of Human Resources, social services, other area hospitals and schools, the program will develop and promote an outreach program. The outreach effort will involve special clinics, workshops, lectures, films, pictures and general distribution of information on PCP abuse. It is felt that the schools and churches are the most effective units to influence for the purpose of prevention and control of PCP abuse. RAP and Second Genesis will also serve as consultation and service resources for some cases.

All patients will be referred to a therapy program and assigned a social worker and therapist who will:

(1) assist them in making contact with various community resources and forms of support after discharge (i.e., school, employment, outpatient psychiatric treatment, etc.).

(2) assign them to a follow-up alumni group which will meet twice a month at the hospital and will also be assigned a therapist to meet with once a month as part of the follow-up effort program. The follow-up effort is designed to provide continued treatment and support to the patient and feedback as to treatment effectiveness

PCP EVALUATION AND MANAGEMENT PROGRAM


Laboratory Testing
Medical Care Unit
Intensive Care Unit
Surgical Care Unit
Emergency Room Evaluation and Treatment
Outreach
DCGH Outreach program R.A.P. drug treatment schools, families, church, drug treatment facilities
Research Evaluation
Training and Consultation
Neuro-Psychological Evaluation
PCP Unit
(1) Medicalevaluation & referral
(2) Intake, psychologal assessment
(3) Treatment plan development and follow through
(4) Discharge evaluation and referral
R.A.P.
residential treatment and utpatient are. After are follow-ship at DCGH.
Volunteer Patients
Other hospitals and Treatment Program
Police and Law Enforcement Officer
Courts and Judicial Agencies

for the program. The program will also maintain an emergency hotline and will coordinate efforts with the Area South Crisis Intervention Unit.

TRAINING AND PROGRAM EVALUATION

The program will develop a formal program of clinical training for professional and para professionals who need or have an interest in having a better understanding of the medical/psychiatric problems associated with PCP abuse. It is anticipated that the program can provide a valuable clinical rotation internship, residency and other post doctoral training experiences for psychiatrists, psychologists, other physicians, dentists, nurses and other health care professionals. Legal and law enforcement officers as well as school teachers and drug counselors will especially benefit from workshops and special clinics sponsored by the program.

There appears to be very little information regarding effective care of the chronic PCP abuser or the chronic effect of an acute toxic reaction to PCP abuse. Therefore, there is a need to carefully monitor, collect, and evaluate all aspects of treatment program data. Such a policy will provide valuable feedback to our own management staff and enable appropriate program modifications to improve service. The introduction and application of evaluation and treatment procedures used in the program should be viewed as clinical research and weighed accordingly in the overall program design. Program evaluation will also help establish specific criteria for staff performance and aid the assurance of quality patient care.

The following flow chart diagram has been developed to provide a visualization of the activities of the PCP Acute Care Treatment Unit.

STAFFING

Five full-time internists, two psychiatrists, two psychologists and two social workers will be recruited for the program. They will be responsible for:

(a) Providing medical evaluation, treatment and clearance for patients on the units. The psychiatrist and psychologist will coordinate the development of the treatment plan;

(b) Delivering acute and consultative care;

(c) Providing direct therapeutic and support care to patients;

(d) Advising and assisting other members of the team in their handling of patients.

Two administrators and two secretaries will also be recruited to provide the managerial and clerical support.

The nursing staff requirements will be addressed on subsequent pages.

CLINICAL PSYCHOLOGIST STAFF

Contingent upon medical clearance and in cooperation with the medical staff, the psychologist will have direct patient care responsibility. He shall administer admission and discharge assessments of patients admitted to the PCP unit and shall be responsible for clinical evaluation and management. The psychologist will also employ empirical techniques (i.e., covert sensitization, aversion therapy and other conditioning procedures). He will assist and assume a major role in the development and design of the program to maximize evaluation and management. The psychologist will be responsible for evaluating the effectiveness of the program. The psychologist will be responsible for helping to design individual care plans, and conduct neuro-psychological evaluations. His involvement will extend to community referrals and the post service evaluation. All unit psychologists will function under the supervision of the Chief Psychologist.

CLINICAL SOCIAL WORKER STAFF

Social service is a vital link on the health care team. The role of social service on a PCP Unit will be in accordance with the general hospital policy governing social service intervention to patients and families in an acute hospital setting. The social worker will review and examine the underlying psychosocial stressors which precipitated the need for hospitalization; and will develop and implement appropriate treatment intervention where feasible, to help the patient/family learn new coping skills to deal with day-to-day stresses and to help the patient make a speedy recovery from his drug ordeal and a timely re-entry into life's mainstream. The social worker will serve as one of the primary therapist on the PCP unit concerned with discharge planning.

The social worker will initiate high risk screening to determine the level of social service intervention at the time of admission. The screening process will take place within 48 hours of admission and a social history will follow within one week of admission. The social history is extremely important in determining the initial psycho-social assessment. Since the patient may be unable to give this information, it is important for the social worker to contact family and friends regarding:

(a) Drug use and abuse patterns and histories.

(b) Specific presenting problems.

(c) Strength of self-concept.

(d) Stability of family life and relationships.

(e) Education and employment history.

(f) History of hospitalization, suicide attempts, psychiatric treatment, drug abuse program involvement.

(g) Extent of dependence on peer relationships and approvals.

(h) Evidence of child abuse and neglect among PCP users with children.

The above assessment by the social worker will give impetus to the need for long term treatment plans or the need for outplacement treatment. The social worker will participate in the following therapies and employ their skills where appropriate to enable the patient to develop insight into interpersonal and intrapersonal relationships and other social problems:

(a) Individual therapy;
(b) Family therapy;
(c) Group therapy;
(d) Motivational therapy;
(e) Family support groups.

Family support groups will be used as a treatment modality. Family support groups will take place once weekly on the adolescent unit. ALL PARENTS WILL BE ENCOURAGED TO ATTEND so that parents can (1) discuss treatment and the progress of their children and (2) vent their feelings/hurts about their child's use of PCP and other drugs.

The social worker on the adolescent unit will liaison between the school system and family and court. The social worker will contact the school system once the adolescent is admitted and will work in close liaison with guidance counselors in helping the PCP adolescent make an adjustable re-entry into the school setting. The social worker will provide a summary with special instructional needs or staffing needs for the PCP adolescent returning to the school setting. The social worker will provide up-to-date patient progress to the court as is necessary, will provide testimony to the suitability of the home environment, and whether the adolescent will benefit from alternative placement.

The social worker will make use of appropriate referral systems to facilitate the post hospital placement of the PCP patient. He/she will conduct a post placement/discharge group that will focus on the following:

(a) Meaning of the hospitalization experience (i.e., "Am I Crazy?").

(b) Assessment of the value of continued hospitalization for treatment of depression, suicide ideation, or to aid in development of support system.

(c) Supportive therapy rather than confrontation.

NURSING STAFF

The Division of Nursing Services assumes the responsibility for the nursing management of patients undergoing acute treatment on the unit. The Director of Nursing will provide adequate levels of qualified professional staff to support the goals and objectives of the program.

ROLE OF NURSING STAFF

The role of the nursing staff on the unit will be to support and implement the management program. This program is designed to move all clients from drug abuse to self-sufficiency. This involves collaboration, communication, coordination and cooperation with a multi-disciplinary treatment team.

A system of acute care nursing will be implemented utilizing a percent ratio of professional staff to percent non-professionals. This requires a Registered Nurse to plan, implement, evaluate and coordinate the care given to a small group of patients for the entire hospital stay. This ensures continuity of care, fosters trust in the nurse-patient relationship, and promotes better patient cooperation and success in his/her management program. The components of the nursing process will be utilized to assess, plan, implement and evaluate the care given to the assigned group of patients. Nurses will continually assess the patients physical and mental status, intervene appropriately based on the assessment made, administer prescribed therapies according to established individualized protocols, and record pertinent data of assessments, interventions and the client's response to interventions.

NURSE STAFFING REQUIREMENTS

The nursing staff requirements for the PCP Unit is based on customary care provided to PCP patients seen in this Hospital. The requirements will support the basic philosophical belief and goals of the program without overlooking the importance of meeting the individual's physiological and psychological needs of the patient.

Generally, the patients are admitted (based on age and the incapacitation level) to the Medical Intensive Care Unit (MICU) or to Adolescent Unit (2E). During the 24-48 hours when a majority of the psychological symptoms are apparent, these patients are provided one-on-one nursing care. For those patients who are placed in the MICU, appropriate staffing is planned depending on their classification level. Several PCP patients may demonstrate physiological symptoms such as bradychardia and other changes in EKG, and may demonstrate an electrolyte imbalance. These conditions require constant monitoring by the nursing staff and therefore require more hours of care.

The nursing policy for suicidal patients (patients that are also self-destructive) calls for one-on-one nursing coverage. This coverage is normally provided as long as the assessment of the patient's condition yields continued self-destructive tendencies. In approaching the staffing projection for this nursing unit, a penetration co-efficient approach is utilized. This approach is selected because it approximates the philosophy that all patient care is not equal in nature and that all nursing personnel classifications do not "penetrate" patient care the same way. Certain values are assigned to classify patients. Patient classification is taken into consideration as an important determinant of coverage.

QUALITY ASSURANCE

The Quality Assurance Program on the Unit will consist of:

1. Daily chart reviews by the Head Nurse to ensure completeness and accuracy, and to ensure that the documentation meets established standards and are in compliance with the policies and procedures.

2. The Head Nurse will also review the work of subordinates to ensure that goals, objectives and standards are met.

3. Nursing Quality Assurance will, for the first 6 months conduct weekly progress audits to identify deficiencies. Deficiencies identified will be followed up to ensure that strategies are implemented to correct deficiencies. On-going monitoring will ensure that corrections are sustained.

Patient care standards and performance standards will be utilized to assess the level of care given. Policies and procedures will be developed collaboratively with the multi-disciplinary team and routine monitoring will identify deficiencies or non-compliance with these policies and procedures. Policies and procedures will be reviewed at least annually and updated by the multi-disciplinary team.

Weekly staff meetings will be held to identify and resolve unit and staff problems. Support group sessions will be held at least monthly by the psychiatric clinical specialist to resolve conflicts and to minimize stress and/or burnout.

EDUCATION

Permanent staff will be hired to staff the unit around the clock. Preference will be given to nurses with experience in drug and alcohol addiction and/or psychiatric nursing. All staff will be required to attend the nursing orientation program conducted by the staff of the Nursing Education Branch. Specific educational needs will be identified and met through specific education offerings given by Nursing Education staff or through outside contracts. The Nursing Education Branch offers a wide range of classes geared to increase productivity and improve the quality of care delivered.

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